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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.6176 OF 2018
IN
FIRST APPEAL NO.2196 OF 2014**

Sangita d/o Balwant Belambe @
Sow. Amruta Suhas Mulay,
Age: 53 years, Occu: Household,
R/o B-10, Chankyapuri, Aurangabad,
Dist. Aurangabad

..APPLICANT

VERSUS

The State of Maharashtra,
Through District Collector, Latur
Dist. Latur & ors.

..RESPONDENTS

Mr J. R. Patil, Advocate for applicant;
Mr A. S. Shinde, A.G.P. for respondent No.1 & 2;
Mr V. G. Kodale, Advocate holding for Mr M. S. Patil, Advocate for
respondent Nos.3A to 3D

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 2nd July, 2018

ORAL ORDER:

The present application is filed by one Smt. Sangita Balwant Belambe @ Sow. Amruta w/o Suhas Mulay, seeking directions to add her as a party respondent in First Appeal No.2196 of 2014.

2. It is submitted before this Court that the applicant is a daughter of Balwant Rajaram Belambe, who had filed Land Acquisition Reference

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No.693 of 2002. During pendency of the land acquisition reference, Balwant has expired on 21st May, 2012, leaving behind him three sons and one daughter.

3. It is further submitted that land acquisition reference was disposed of by the learned Civil Judge Senior Division, Latur, by the judgment and award dated 8th October, 2012. After getting knowledge of judgment and award dated 8th October, 2012, the applicant submitted an application before learned executing Court in Special Darkhast No.122 of 2013 and the learned executing Court, after considering the material placed on record, allowed the application and directed the decree holders to add the applicant as a party to the Darkhast proceedings, being one of the legal heirs of Balwant Rajaram Belambe. The copies of application in Special Darkhast and order passed by executing Court are placed on record.

4. Learned Counsel for the applicant further submits that the applicant came to know about filing of the appeal by the State Government challenging the order passed in land acquisition reference. He submitted that the applicant ought to have been included in the proceedings as a necessary party but the appellant failed to include her as a party respondent in the proceedings, namely, First Appeal No.2196 of 2014.

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5. Learned Counsel for respondent Nos.3A to 3D is not disputing the factual position that the applicant is a daughter of Shri. Balwant Rajaram Belambe and she was a party to the proceedings i.e. in Special Darkhast No.122 of 2013.

6. Learned A.G.P. appearing for respondent Nos.1 and 2 submitted that as the applicant was not party in the original proceedings i.e. land acquisition reference, appellant State was not aware of any relationship of the applicant with deceased Balwant Rajaram Belambe, as such, she was not added as a party respondent in First Appeal.

7. In view of above referred facts, the civil application is allowed in terms of prayer clause (B) and disposed of accordingly. The appellant to take necessary steps.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk