

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL ST.NO.24652 OF 2016
WITH
CIVIL APPLICATION NO.1732 OF 2017

01 Godawari Marathwada Irrigation
Development Corporation through
the Executive Engineer,
Minor Irrigation Division, Latur.

02 The State of Maharashtra,
through the Collector, Latur.

Appellants

Versus

01 Gajanan s/o Balasaheb Jadhav,
age: 35 years, Occ: Agril.,
R/o Jadhala, Tq. Chakur,
District Latur.

02 The Special Land Acquisition
Officer, Swarna Project, Latur
(formal party)

Respondents

Mrs.Kalpalata Patil Bharaswadkar, advocate for appellants
Mr.G.K.Sontakke, advocate for Respondent No.1-claimant.

CORAM : M.S.SONAK, J.
DATE : 16th February, 2018.

ORAL ORDER :

1 Since learned Counsel for Respondent No.1-claimant does not oppose condonation of delay, the delay is condoned and the Civil Application is disposed of.

2 Further, learned Counsel for the appellants points out that by order dated 28.10.2017 in F.A. St.No.12762/2014, which is

a connected matter, this Court has quashed and set aside the impugned judgment and award on the ground that the appellant, which is a acquiring body, had not been impleaded as a party before the Reference Court and allowed to adduce evidence. He submits that a similar order may be made disposing of the present appeal as well.

3 Learned Counsel for Respondent-claimant supports the plea made by the learned Counsel for the appellant.

4 Accordingly, the impugned judgment and award is set aside. The matter is remanded to the Reference Court for fresh adjudication in accordance with law and on its own merits. The Reference Court shall add the appellant as party to the Reference. All the parties, including the appellant and Respondent-claimant, are granted liberty to adduce evidence in addition to the evidence, which is already on record. The Reference Court is directed to dispose of the Reference as expeditiously as possible and in any case, within nine months from the date of production of authenticated copy of this order. Parties to appear before the Reference Court on 12.03.2018 and produce authenticated copy of this order.

Appeal is accordingly disposed of in aforesaid terms. There shall be no order as to costs.

M.S.SONAK
JUDGE

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