

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

907 CIVIL APPLICATION NO.17328 OF 2010
IN FAST/31508/2010

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION
VERSUS
SANJAY VAIJNAHT BAWAGE AND ANR.

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Advocate for Applicant : Mr.S.G.Sangle
AGP for Respondent-State : Mr.S.N.Morampalle
Advocate for Respondent nos.1/1 to 1/4 :
Mr.G.K.Sontakke

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CORAM : V.L.ACHLIYA, J.
DATE : 17.10.2019

PER COURT:

1] The applicant-acquiring body has taken out this Application seeking leave to file and prosecute the appeal against the judgment and award passed by the Reference Court for the reasons set out in detail in the application.

2] In brief, it is the contention of the learned counsel for the applicant that though the applicant is acquiring body and affected by the decision rendered by the Reference Court, the acquiring body was not made party before the trial Court. It is submitted that as provided under Section 3 (b) of the Land Acquisition Act, the

applicant being acquiring body is interested person and entitled to challenge the award. It is submitted that arising out of the award passed by the Reference Court involved, 21 appeals were presented by the applicant – appellant. Except the present Appeal, all other appeals have been admitted.

3] Learned counsel for the respondent-claimant submits that the respondent-claimant has no objection to grant leave to file appeal.

4] In view of the cause assigned seeking leave to file and prosecute the appeal, the application is allowed in terms of prayer clause 'B'.

5] Application be marked as disposed of.

[V.L.ACHLIYA]
JUDGE