

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

**CIVIL APPLICATION NO.2468 OF 2019
IN
FIRST APPEAL st. NO.17932 OF 2019**

Maharashtra State Road Development
Corporation Ltd.

... Applicant

Vs

Kashinath Dagdu Shedge & Ors.

... Respondents

Mr.G.S. Godbole with Mr.Jayaendra Kapadia, Mr.Fozan Lakdawala, Shrey Shah and Mr.Meiron Damania i/b M/s.Little & Co. for Appellant in FAST/17932/2019 and for Resp. No.2 in FAST/20043/2019

Mr.Nitin Gangal with Ashok Kadam for Appellant in FAST/20034/2019 and for Resp. No.1 in FAST/17932/2019

Mr.Prashant R. Suryawanshi i/b G.M. Savagave for Respondent Nos.1 to 9 in FAsT/20034/2019

Mr.A.R. Patil, Addl. G.P. for State

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.
DATED: SEPTEMBER 20, 2019**

P.C.:

1. The application is taken out by the Applicant – Maharashtra State Road Development Corporation Limited (MSRDC) stating that it was not joined as party Respondent to the land acquisition reference No.1413 of 2000 (old reference No.162 of 1999) filed before the Court of learned Civil Judge Senior Division, Alibag,

despite being a necessary party. Since the Applicant MSRDC is aggrieved by Judgement and Decree dated 6.10.2017, by the above Civil Application, it seeks leave to file an Appeal under section 54 of the erstwhile Land Acquisition Act, 1894 r/w section 96 of the Code of Civil Procedure, 1908 challenging the impugned judgment and decree dated 6.10.2017 passed by the learned Civil Judge, Senior Division in Land Acquisition Reference No.1413 of 2000.

2. The learned Advocate appearing for the heirs of respondent No.1 states that they have no objection, if the reliefs prayed for in the above Civil Application is allowed.

3. Civil Application is allowed in terms of prayer clause (a), which is reproduced hereunder:

“(a) This Hon’ble Court may be pleased to grant leave to the Appellant herein to file the First Appeal under Section 54 of the erstwhile Land Acquisition Act, 1894 read with Section 96 of Code of Civil Procedure for challenging the Impugned Judgement and Decree dated 06/10/2017 passed by the Ld.Civil Judge Senior Division, Alibag in Land Acquisition Reference No.1413 of 2000 (Old Reference No.162 of 1999)”

4. Civil Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)