

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 125/2009

(DINKAR WATHU RATHOD **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Deshmukh, counsel for appellant.
Mrs. H.N. Prabhu, A.G.P. for R-1.
Shri A.B. Patil, counsel for R-2.

CORAM : A.S. CHANDURKAR, J.

DATE : JANUARY 31, 2019.

This appeal arises out of common judgment of the Reference Court dated 27.10.2005 deciding about seventeen reference petitions. The learned counsel for the parties do not dispute that some of the appeals raising challenge to that common judgment have been decided and the said judgment with regard to those reference petitions has been set aside and the proceedings have been remanded to the Reference Court. That adjudication is in First Appeal No.858 of 2008 with connected appeals decided on 25.05.2017.

In view of aforesaid and for reasons assigned in First Appeal No.858 of 2008, the judgment in relation to L.A.C. No.113 of 1994 dated 27.10.2005 is set aside. The proceedings are remanded to the Reference Court. After remand, the Reference Court shall follow the directions issued in First Appeal No.858 of 2008. The Record & Proceedings be sent to the Reference Court forthwith. The appellant shall appear before the Reference Court on 16.02.2019.

The First Appeal is allowed in aforesaid terms and disposed of. No costs.

JUDGE

APTE