

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.3478/2018

IN

FIRST APPEAL NO.1245/2018

Devendra S/o Ramrao Ingale and others

...Versus...

The State of Maharashtra, through the Collector, Yavatmal and others

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

Court's or Judge's orders

Shri D.M. Sharma, Counsel for appellants/applicants
Shri S.D. Sirpurkar, AGP for respondent nos.1 and 2
Shri M.A. Kadu, Counsel for respondent no.3
Shri A.S. Kulkarni, Counsel for respondent Nos.5-A to 5-C

CORAM : ARUN D. UPADHYE, J.

DATE : 12/02/2019

Heard learned Counsel for the applicants, learned Assistant Government Pleader for the respondent nos.1 and 2, learned Counsel for the respondent no.3 and learned Counsel for the respondent nos.5-A to 5-C. None appears for the respondent no.4, 6 and 7, though served.

Perused the impugned judgment and award. It appears that the appellants as well as respondent nos.5-A to 5-C and respondent nos.6 and 7 are brothers and sisters of respondent no.4 and have claimed equal share in the property. It further appears that the respondent no.4 has filed the reference against the award, in which these appellants as

well as respondent nos.5-A to 5-C and respondent nos.6 and 7 are added. However, the learned reference Court has not granted compensation to them on the ground that their claim cannot be decided in the reference under Section 18 of the Land Acquisition Act.

Considering the above facts and circumstances of the case, the impugned judgment and award dated 13/8/2018 passed by the Civil Judge (Senior Division) Darwha in Land Acquisition Case No.319/2004 is hereby stayed until further orders.

JUDGE

Wadkar, P.S.