

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

**954 CIVIL APPLICATION NO.13913 OF 2019
IN FA/775/2007 WITH CA/13914/2019 IN FA/776/2007 WITH
CA/13915/2019 IN FA/777/2007**

SHARAD VISHWANATH PATIL AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, HATNUR AND ANR

...
Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent No.1 : Mr.R.B.Bagul and Mr.A.M.Phule

...
CORAM : K.K.SONAWANE, J.

DATE: 17th January, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned AGP for respondent No.1. The learned AGP expresses his inability to appear on behalf of respondent No.2-Acquiring Body. However, in view of nature of the subject matter, there is no impediment to proceed further for adjudication of the matters on merit after hearing of learned counsel for the applicants and learned AGP for respondent No.1.

2. Learned counsel for the applicants submit that in the National *Lok Adalats* held on 09.09.2017 and 09.12.2017 the present matters were not kept at all before the said *Lok Adalats* and no any amicable settlement was arrived at in between the parties. Therefore, common orders passed by the National *Lok Adalats* with regard to adjudication of the present matters on compromise are incorrect and liable to be set aside and appeals be ordered to be restored to their original stage.

3. Learned AGP for respondent No.1 fairly conceded to pass suitable order being error apparent on the face of record.

4. In view of attending circumstances and for the reasons mentioned in the applications, there is no impediment to exercise the discretion to get the present proceedings separated from the impugned common orders passed by the National *Lok Adalats* held on 09.09.2017 and 09.12.2017. These matters were not at all placed before *Lok Adalats* held on 09.09.2017 and 09.12.2017. There were no terms of compromise in between the parties. The claimants or their respective counsel were not present for amicable settlement of dispute before *Lok Adalats*. It appears that unwittingly/inadvertently the matters were shown disposed of in *Lok Adalats* being an amicable settlement between the parties. Therefore, applications stand allowed in terms of prayer clause-'B'.

5. First Appeal Nos.775 of 2007, 776 of 2007 and 777 of 2007 be removed from the list of the proceedings shown disposed of in National *Lok Adalats* held on 09.09.2017 and 09.12.2017 and the aforesaid appeals be restored to its original stage for further process. Registry to take requisite steps for further process. Accordingly, applications stand disposed of.

(K.K.SONAWANE)
JUDGE

SPT