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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14448 OF 2019
IN
FIRST APPEAL STAMP NO.35150 OF 2019

The Executive Engineer, Waghur Dam Division
Jalgaon and Others

APPLICANTS

VERSUS

Godavari Dattu Mahajan

RESPONDENT

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Mr. Suresh D. Dhongade, Advocate for the applicants
Mr. V. B. Patil, Advocate for the respondent - claimants
Mr. S. S. Dande, AGP for Co-applicants / original respondents No.
1 to 3 - State

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AND
CIVIL APPLICATION NO. 14459 OF 2019
IN
FIRST APPEAL STAMP NO.35156 OF 2019

AND
CIVIL APPLICATION NO. 14461 OF 2019
IN
FIRST APPEAL STAMP NO.35167 OF 2019

AND
CIVIL APPLICATION NO. 14457 OF 2019
IN
FIRST APPEAL STAMP NO.35153 OF 2019

AND
CIVIL APPLICATION NO. 14455 OF 2019
IN
FIRST APPEAL STAMP NO.35159 OF 2019

AND
CIVIL APPLICATION NO. 14453 OF 2019
IN
FIRST APPEAL STAMP NO.35163 OF 2019

AND
CIVIL APPLICATION NO. 14451 OF 2019
IN
FIRST APPEAL STAMP NO.35170 OF 2019

[CORAM : SUNIL P. DESHMUKH AND
M. G. SEWLIKAR, JJ.]

DATE : 4th NOVEMBER, 2020

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the respondents – claimants purports to resist the civil applications, albeit, he is neither in a position to overcome the veracity of the contentions raised in the applications or submissions advanced nor has filed affidavit in reply.
3. In the circumstances, having regard to decision of the Supreme Court in the case of *“Perumon Bhagvathy Devaswom V/s Bhargavi Amma”* reported in *2008 DGLS (Soft) 835* and the guidelines of supreme court in the case of *“Collector, Land Acquisition, Anantnag V/s. Ms. Katiji and others”* reported in *AIR 1987 SC 1353*, as also, in the case of *“Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy and others”* reported in *(2013) 12 Supreme Court Cases 649*, and *“Dhiraj Singh (Dead) Through Legal Representatives and Others V/s State of Haryana and others”* reported in *(2014) 14 SCC 127*, it would be expedient that civil applications are allowed and matters are

contested on merits.

6. In view of the same, civil applications are allowed in terms of prayer clause "B". Delay stands condoned. Civil applications stand disposed of.

[M. G. SEWLIKAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE