

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

**932 FIRST APPEAL NO.1294 OF 2006**

SHESHRAO GANPATI THOSAR THR. LRS.  
VERSUS  
THE STATE OF MAHARASHTRA

...  
**WITH CA/14942/2019 IN FA/1295/2006 WITH  
CA/14943/2019 IN FA/1294/2006 WITH FA/1295/2006**

...  
Advocate for Appellants : Shri Babasaheb A. Dhengle  
AGP for Respondent : Shri P.M.Kulkarni

...  
**CORAM : M.G.SEWLIKAR, J.**

**DATE: 17<sup>th</sup> February, 2021**

**PER COURT:-**

1. Heard.
2. Shri B.A.Dhengle, learned counsel for the appellants submits that similar matters have been remanded to the Reference Court on the ground that the Acquiring Body was not a party to the Reference. He has tendered across the Bar the order dated 11-12-2019 passed in First Appeal No.289 of 2014 and other First Appeals. He submitted that in all the matters arising out of the same project, the appeals are remanded to the Reference Court on the ground that Acquiring Body was not a party to the Reference.

3. Learned AGP for the respondent-State also concedes this position.

4. In view of this, the impugned Judgment passed by the Reference Court is set aside. Matters are remanded to the Reference Court.

5. The Reference Court is directed to add the Acquiring Body as a party respondent. The Reference Court shall give opportunity to lead evidence to both the sides.

6. With these directions, appeals are disposed of. Pending Civil Applications stand disposed of.

7. Record and Proceedings be sent back to the Reference Court forthwith.

**( M.G.SEWLIKAR )**  
**JUDGE**

SPT