

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

43 CIVIL APPLICATION NO. 4371 OF 2022
IN FA/405/2021

JYOTI W/O RAMBHAU DESHMANE @ JYOTI D/O KASHINATH DALVE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR, BEED AND OTHERS

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Advocate for Applicants : Mr. Ashok R. Tapse.

AGP for Respondent/State: Mr. S. P. Deshmukh.

Advocate for Respondent No.2 : Mr. S. C. Arora.

Advocate for Respondent Nos.4 to 11 : Mr. Abhijeet V. Thombre.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 28th March, 2022.

P.C.:

. It is an application moved by the applicant for intervention in First Appeal No.405 of 2021.

2 Heard Mr. Ashok Tapse, learned counsel for applicant/intervenor, Mr. A. V. Thombre, learned counsel for original claimants and Mr.Arora, learned counsel for respondent/acquiring body.

3 It is revealed during the course of argument that this applicant/intervenor was not party before the Reference Court. The Reference Court has decided the reference under Section 18 of the Land Acquisition Act. The acquiring body has preferred the appeal against the impugned judgment and award passed by the Reference

Court. In the appeal proceedings, this applicant is seeking intervention by way of this civil application.

4 It is pointed out by Mr. Arora, learned counsel for acquiring body that this applicant has already filed civil suit vide Regular Civil Suit No.14 of 2022 before the Civil Court and the same is *sub-judice* meaning thereby the so-called right and interest of the applicant involved in the subject matter is yet to be determined. Certainly, this application for intervention cannot be entertained. Let the applicant adjudicate her claim. The legal remedies are available to the applicant to recover the amount of compensation of her share if she would succeed in the civil suit. Hence, the following order is passed:

ORDER

The application for intervention is hereby rejected.

[SHRIKANT D. KULKARNI, J.]

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