

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

**CIVIL APPLICATION NO.3676 OF 2022 IN
FIRST APPEAL ST. NO. 659 OF 2022**

Babu Shivappa Mali (died) through
legal heirs Rukhmini Manik Doke
and others

Applicants

Versus

Maharashtra Krishna Valley
Development Co. Ltd. & others

Respondents

**WITH
CIVIL APPLICATION NO.3677 OF 2022 IN
FIRST APPEAL ST. NO. 502 OF 2022**

**WITH
CIVIL APPLICATION NO.3691 OF 2022 IN
FIRST APPEAL ST. NO. 662 OF 2022**

Mr. A. J. Nagode, advocate for the Applicants
Mr. A. S. Shelke, advocate for Respondent No.1.
Mr. S. N. Kendre, Mr. S. R. Yadav Lonikar and Mr. A. B.
Chate, AGPs for Respondents No. 2 & 3.
Mr. P. B. Rakhunde, advocate for Respondent No.4.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st December, 2022.

PC :

Heard rival submissions.

All these applications are filed by the applicants,

who are posing themselves as married daughters and claiming their respective shares in the compensation amount or in the lands under acquisition.

The applications are resisted by the original claimants mentioning that the names of present applicants were not there in the original Reference proceedings. The learned Counsel pointed out that the applicants herein have already filed Civil Suit for claiming share in the acquired land or compensation thereof.

Under such circumstances, unless the right of these applicants is decided by the competent Civil Court, they cannot be permitted to be added in these appeal proceedings especially when they were not party before the Reference Court.

Though the learned Counsel for the applicants relied upon the judgments of Punjab & Haryana High Court in the case of **Baba Singh and others Vs. The Special Land Acquisition Collector, Jalandhar & another**, reported in AIR 1984 Punjab & Haryana 177; and of this Court in the case of **Prem Kaliaandas Daryanani Vs. Natvarlal C. Modi & others**,

reported in 2015 (6) Mh.L.J. 120, wherein it is observed that even in the absence of names of co-owners, they can be impleaded as party to the Reference and that the Court can order impleadment of the subsequent purchaser, however, the facts of the instant matters are different and, therefore, the aforesaid observation cannot be made applicable to the applicants herein.

Accordingly, all these three applications stand rejected.

(SANDIPKUMAR C. MORE)
JUDGE

adb