

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

25 CIVIL APPLICATION NO. 8727 OF 2021

IN FA/896/2021

WITH CA/8729/2021 IN FA/898/2021

WITH CA/8731/2021 IN FA/897/2021

WITH CA/8733/2021 IN FA/895/2021

THE EXECUTIVE ENGINEER, JALGAON MED. PRO. DIV.1,
JALGAON AND ANOTHER

VERSUS

THE COLLECTOR, JALGAON AND OTHERS

...

Mr. Ajay D. Pawar, Advocate for Applicants.

Mr. S. G. Sangle, A.G.P. for Respondent/State.

Mr. Ajeet B. Kale, Advocate for claimants.

...

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

DATE : 21st March, 2022.

P.C.:

. These are the four applications moved by the acquiring body to add them as co-appellants under Order I Rule 10 of the Code of Civil Procedure. The State has preferred these four appeals against the impugned judgment and award passed by the Reference Court in respective LAR proceedings.

2 Mr. Pawar, learned counsel for acquiring body submits that the acquiring body though was a necessary party before the Reference Court, it was not made party. The LAR proceedings came to be disposed of in absence of acquiring body. He submits that

participation of the acquiring body is necessary for adjudication of LAR proceedings. He, therefore, submitted that the civil applications for adding the party as co-appellants may be allowed. Mr. Pawar, learned counsel for acquiring body submits that the District Rehabilitation Officer was not party in the capacity as acquiring body.

3 Mr. Sangle, learned AGP for the appellant/State has no objection.

4 Mr. Kale, learned counsel for claimants strongly opposed to allow these applications. He submitted that the State has acquired the lands for extension of Gaothan. The acquiring body was nowhere in picture. As such, there was no reason for the claimants to add the acquiring body as a party to the LAR proceedings.

5 Having considered the submissions of both the sides, I am of the considered view that ultimately the legal position laid down by the Honourable Supreme Court would be binding. At this stage, it would be appropriate to allow these applications without prejudice to the rights and interest of the claimants by keeping legal point open at the time of final argument. If that exercise is made, no prejudice would be caused to the original claimants.

6 Having regard to the above reasons, I proceed to pass the following order:

ORDER

- I. The civil applications are hereby allowed.
- II. The appellant shall add the acquiring body as a co-appellants in all the appeals by making necessary amendment in the appeals.
- III. Civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

nga