

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

911 CIVIL APPLICATION NO.7395 OF 2021
IN FAST/31112/2019

SHIVAJI KAKASAHEB PAWAR
VERSUS
THE G.M.I.D.C., THR ITS EX. ENGINEER, MINOR IRRIGATION
DIV. OSMANABAD AND ORS

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Advocate for Applicant : Mr. D.A. Madake
AGP for Respondent Nos.2 & 3: Mr. P. N. Kutti
Advocate for Respondent No.4 : Mr. V. V. Ingale

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 28/09/2022.**

P. C. :

1. Heard rival submissions.
2. By way of this application, the applicant Shivaji Kakasaheb Pawar, whose name was not there in the impugned award, is seeking intervention on the ground that he is having half share in the land under acquisition and therefore, entitled for half share in the compensation.
3. The learned counsel for the applicant pointed out to the partition deed as well as consent letter, wherein it has been alleged that there was settlement between the claimant Hanumanta in this appeal and present applicant, wherein it was decided that the compensation of the acquired land would be distributed in their joint name.
4. However, the learned counsel for the claimant i.e. present respondent No.4 denied the said fact that any amount was given to the present applicant under the said settlement.

5. As such, the applicant, whose name was not in the award, will have to establish his right before the competent court as to whether he is entitled for any share in the compensation amount.

6. Even otherwise also, the present appeal is filed by the acquiring body and there is no cross-objection by the respondent No.4 - original claimant for any enhancement. As such, the applicant is not necessary party in the instant appeal and therefore, his intervention application stands rejected.

(SANDIPKUMAR C. MORE, J.)