

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.135 OF 2001

The State of Maharashtra

...Appellant

Versus

Smt. Sindhubai V. Choudhari & Ors.

...Respondents

WITH

INTERIM APPLICATION NO.1946 OF 2022

IN

FIRST APPEAL NO.135 OF 2001

WITH

CROSS OBJECTION (XOB) (STAMP) NO.10356 OF 2002

IN

FIRST APPEAL NO.135 OF 2001

WITH

FIRST APPEAL NO.130 OF 2001

WITH

CROSS OBJECTION (XOB) (STAMP) NO.10351 OF 2002

IN

FIRST APPEAL NO.130 OF 2001

WITH

FIRST APPEAL NO.128 OF 2001

WITH

CROSS OBJECTION (XOB) (STAMP) NO.10355 OF 2002

IN

FIRST APPEAL NO.128 OF 2001

WITH

FIRST APPEAL NO.133 OF 2001

WITH

CROSS OBJECTION (XOB) (STAMP) NO.10348 OF 2002

IN

FIRST APPEAL NO.133 OF 2001

WITH
FIRST APPEAL NO.131 OF 2001
WITH
CROSS OBJECTION (XOB) (STAMP) NO.10353 OF 2002
IN
FIRST APPEAL NO.131 OF 2001

WITH
FIRST APPEAL NO.132 OF 2001
WITH
CROSS OBJECTION (XOB) (STAMP) NO.10354 OF 2002
IN
FIRST APPEAL NO.132 OF 2001

WITH
FIRST APPEAL NO.129 OF 2001
WITH
CROSS OBJECTION (XOB) (STAMP) NO.10358 OF 2002
IN
FIRST APPEAL NO.129 OF 2001

WITH
FIRST APPEAL NO.134 OF 2001
WITH
CROSS OBJECTION (XOB) (STAMP) NO.10349 OF 2002
IN
FIRST APPEAL NO.134 OF 2001

Mr. Suresh Sabrad a/w. Mr. Pratik Sabrad, Mr. Amey Sawant and Ms. Gracy Saldana for the Respondent (Malegaon Municipal Corp.).

Mr. A. R. Patil, Addl. G. P. for Appellant (State) in all appeals.

Mr. P. N. Joshi for Respondent (in all appeals) and for Applicant in XOB matters (in all appeals).

CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.

DATE : 1st MARCH 2024.

P.C.

1. The learned counsel for the parties have tendered minutes of order. As per the learned counsel, since the Acquiring Body had not been impleaded in the reference proceedings, the amount of compensation would have to be re-determined in the light of the judgment of the Hon'ble Supreme Court in the case of ***U.P. Awas Evam Vikas Parishad Vs. Gyan Devi (Dead) By L.Rs. & Ors.***¹

2. We have perused the minutes of the order. In our view, the course proposed serves the interest of justice. The minutes of order are taken on record and marked 'A' for identification.

3. In view of aforesaid, all the First Appeals as well as Cross-Objections are disposed of in terms of the minutes of the order.

4. In view of disposal of First Appeal No.135 of 2001, Interim Application No.1946 of 2022 does not survive and it is also disposed of.

5. The decree be drawn accordingly. The parties to act in accordance with the minutes of the order. The record and proceedings shall be send to the Reference Court forthwith.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]

¹ 1995 (2) SCC 326