



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 FIRST APPEAL NO. 621 OF 2006

Nanabhau Apparao Thosar

VERSUS

The State Of Mah And Ors

...

Advocate for Appellant : Mr. Jayabhar Dattatraya R.

AGP for Respondent No.1: Mr. S.B. Jadhav

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 6th NOVEMBER 2025

PER COURT :-

1. Heard learned advocate for the appellant and learned A.G.P. for respondent No.1.

2. This appeal is preferred against the judgment and award passed by the reference court/Additional District Judge, Beed in L.A.R. No. 170 of 1995, dated 05.01.2006.

3. Learned advocate for the appellant pointed out that the acquiring body was not party to the said reference. He therefore, submits that unless the acquiring body is party to the reference, the rights of the parties and dispute cannot be concluded finally in merits. Therefore, he seeks to remand the matter to the reference court for fresh disposal by setting aside the impugned judgment and award

with permission to add the acquiring body as party respondent.

4. Learned A.G.P. for respondent No.1 State strongly opposed the appeal.

5. Considering the facts situation of the case and in the interest of justice, particularly for the mistake committed by the advocate, the litigant should not suffer, the appeal deserves to be allowed with direction to decide the reference on merits after adding the acquiring body as party respondent in the said proceeding. Hence, the following order:-

O R D E R

- I. The impugned judgment and award passed by the reference court/Additional District Judge, Beed in L.A.R. No. 170 of 1995 dated 05.01.2006 is set aside.
- II. The reference court is directed to decide the reference afresh after adding the acquiring body as party respondent with opportunity to lead evidence, if any.
- III. The acquiring body is permitted to file their written

statement. The parties to this proceeding shall also remain present before the trial court on 15.12.2025 and for that purpose it is not necessary to issue notice to them. The acquiring body shall file their written statement within a period of three weeks after their appearance. The reference court is directed to decide the reference finally within a period of six months, as it is an old reference of the year 1995.

- IV. If the advocates or the parties are not co-operating to reference court for deciding the reference within the time frame, it would be proper to impose costs on the parties.
- V. The learned advocate for the appellant to communicate this order to the reference court within a week from today.
- VI. After amendment is carried out, the reference court shall issue notice to the acquiring body. The amendment for adding acquiring body shall be carried out within a week after receipt of the writ of this order by the reference court.

(SANJAY A. DESHMUKH, J.)