



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

150 WRIT PETITION NO. 11996 OF 2023

MANDA RAMESH KADAM AND ANOTHER
VERSUS
VISHWANATH RAGHUNATH POUL AND ANOTHER

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Advocate for the Petitioners : Mr. More P. P.

Advocate for Respondent Nos. 1 & 2 : Mr. Naiknavare Ramesh Vitthal

Advocate for Respondent No.2 : Mr. Phatale Anand P. and Mr. Tripathi
M.P.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 15.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioners are assailing the order dated 01.09.2023 passed below Exhibit 48 by Civil Judge, Senior Division, Bhoom in L.A.R. No. 196 of 2017, whereby the application filed by the petitioner came to be rejected.
3. The learned Counsel for the petitioners submits that the petitioners are sisters of the original applicants who had filed a reference. The land was acquired by the Government and one of the brothers of the petitioner raised objection before the Collector and therefore, the reference was forwarded to the Principle Court of original jurisdiction under Section 3H (4) of the National Highways Act, 1956 and

the same is pending.

4. As the present petitioners are claiming their shares in the amount which is payable pursuant to the acquisition of land and they have filed application below Exh. 48 for impleading them as necessary party to the Reference Proceeding. The trial Court rejected the same by holding that the reference was made by the Collector and the jurisdiction of the Reference Court is restricted to the terms of reference only. The Reference Court could not expand or contract the scope of the reference and therefore, the third party could not be impleaded in the Reference Proceeding.

5. Mr. More, learned Counsel relied on law laid down by this Court in case of **Vithabai Deoraoji Wahane Vs. the State of Maharashtra and others – reported in 2007 (Supp.) Bom. C.R. 901**, particularly on paragraph Nos. 18, 19 and 20.

6. In view of the law, laid down by this Court, I am of the view that the petitioners who are the sisters of respondent/Original Applicants have share in the property and thus they are necessary party to the Reference Proceeding. Therefore, I am inclined to allow the Writ Petition by setting aside the order passed by the Reference Court.

7. In view thereof, the Writ Petition is allowed. The order dated 01.09.2023 passed below Exhibit 48 by Civil Judge, Senior Division, Bhoom in L.A.R. No. 196 of 2017 is quashed and set aside.

8. The petitioners are held to be necessary party to the Reference Proceeding.

9. All the issued are kept open.

(SIDDHESHWAR S. THOMBRE, J.)

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