



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

FIRST APPEAL NO.396 OF 2010

**[Keshavsa Sakharamsa Sawaji (Dead) thr LRs. ..Vs.. The State of
Maharashtra]**

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr U. V. Chakravarti, Advocate for Appellant.

Mrs M. R. Kavimandan, AGP for Respondent/State.

CORAM : M. W. CHANDWANI, J.

DATE : 4th APRIL, 2025.

1. Heard.

2. By filing this appeal, the appellants – original claimants are seeking modification of the impugned judgment and award dated 09.12.2009 passed by the learned Civil Judge Senior Division, Buldhana in Land Acquisition Case No.307 of 2008.

3. It is to be noted here that the acquiring body i.e. V.I.D.C. had also filed First Appeal No.887 of 2016 arising out the same award passed by the Reference Court. This Court by its judgment and order dated 26.08.2016 remitted the matter in the said appeal to the Reference Court as the acquiring body was not party before it and for that purpose, this Court relied on the decisions of the Hon'ble Supreme Court in the cases of *U.P. Awas Evam Vikas Parishad vs. Gyan Devi (Dead) by L.Rs. and Another, AIR 1995 SC 724* and *Abdul Rasak and Others vs. Kerala Water Authority and Others, (2002) 3 SCC 228*. Since the present appeal arises out of the same award wherein the acquiring body i.e. Vidarbha Irrigation Development Corporation is not a party, the present appeal does not survive as the matter has already been remanded back to the Reference Court by setting aside the impugned award.

4. Unfortunately, since the records and proceedings of the Reference Court were attached with this appeal, the direction to decide the reference afresh in First Appeal No.887 of 2016 filed by the acquiring body could not be complied with. Hence, registry is directed to send the records and proceedings to the Reference Court as early as possible.

5. I hope that, considering the fact that the award is old, the Reference Court will take steps to decide the reference at the earliest possible time.

6. Accordingly, the appeal stands disposed of.

JUDGE

Tambe