

Common order below Exhs. 25, 28, 30, 32, 33 in  
R.C.A. No. 17/2011, Wasudeo Vs. Gajanan + 1.  
(passed on this 24<sup>th</sup> the day of August 2017)

- Dictated in Open Court -

1. All these applications pertain to calling of record of documents of existence of Bordi-Makrampur road. These applications are in consequence of and in support of the so called contention of laying of road and hence, amendment as prayed for by application at Exh. 21. For the reasons stated therein, the said application for amendment is rejected. It is hence, clear that the documents sought in pursuance of amendment would also be not relevant for the purpose of the adjudication of dispute between the parties. As pointed out in order below Exh. 21, mere laying of road by putting stones etc. will not create additional circumstance. In view of factual aspect of this case, the law as laid down by the Hon'ble Supreme Court of India in the case of *Shyam Gopal Bindal & Ors. Vs. Land Acquisition Officer & Ors.* reported in **2010 (2) ALL MR 465** and by the Hon'ble High Court of Bombay (Panji Bench) in the case of *Zilda Bras De Sa Vs. narayan Kavlekar & Ors.* reported in **2009 (6) ALL MR 663** will not applicable to the present case. Considering the same, in view of rejection of Exh. 21, the applications are infructuous and do not survive. Hence, I pass following order -

- O R D E R -

1. Applications Exhs. 25, 28, 30, 32, 33 are rejected.

Dtd/- 24.08.2017.

(Anil Subramaniam)  
District Judge – 1, Akot, Dist. Akola.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Stenographer : A.J. Dharamkar.

Court Name : District Judge – 1 and Addl.  
Sessions Judge, Akot, Dist. Akola.

Date of order : 24.08.2017.

Signed by Presiding

Officer on : 24.08.2017.

Uploaded on : 28.08.2017.