

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL No.998 OF 2012

M.I.D.C. having its Regional Office at By Pass Road, Yavatmal through its Chief
Executive Officer.

Vs.

Narayan Ukandrao Makde (dead) through L.R's Smt. Shevantabai wd/o Narayanrao
Makde and Ors.

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

Court's or Judge's orders

Mr. M.M. Agnihotri, advocate for appellant.
Mr. P.A. Abhyankar, advocate for respondent no.2.
Mr. R.S. Parsodkar, advocate for respondent nos. 3A to 3C.
Mr. A.B. Nakshane, advocate for respondent nos. 4 to 6.
Smt. S.W. Deshpande, advocate for respondent nos. 7 to 11.
Mr. Ekre, AGP for R-12 and 13.

CORAM : PRASANNA B. VARALE, J.

DATED : 14th JUNE, 2016.

It is submitted by respondent no.2 Bhaskar Narayan Makde that he was shown as a dead person in the judgment and award passed by the Reference Court dated 13.4.2009. It is submitted by the learned counsel that the deponent i.e. Bhaskar Narayan Makde was very much alive when reference was decided. Not only this, he is a party respondent in another appeals in this Court namely F.A. No. 343/2011 and 437/2011. It is submitted that though this fact was within the knowledge of the respondents in the present appeal i.e. respondent nos. 3 to 11, for the reasons best known to the respondents they have suppressed this very material fact. Learned counsel Mr. Agnihotri appearing for the appellant submits that the appeal is prepared on the basis of the judgment and order passed by the Reference Court and there is no reason for the appellant Corporation to note the status of the parties disputed by the respondents while

presenting the appeal in this Court. The learned counsel appearing for respondent nos. 3 to 6, Mr. Nakshane prays for some time to take instructions and to make positive statement before this Court, in view of the affidavit filed at the instance of the respondent no.2.

At the request of Mr. Nakshane, two weeks time is granted.

JUDGE

Hirekhan