

Court No. - 24

Case :- FIRST APPEAL No. - 155 of 2003

Appellant :- State of U.P.

Respondent :- L. Lal And Other

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- R.N. Mishra, Jagdish Singh

Hon'ble Saral Srivastava, J.

1. Sri Raj Baksh Singh, learned Additional Chief Standing Counsel for the appellant-State and learned counsel for the respondents are present.

2. The record reveals that respondent no.1, namely, Lakhan Lal has died. The appellant has not filed any substitution application.

3. It transpires from the record that the present appeal has been filed against the judgement of the Reference Court dated 26.08.1988 in the year 1990 as Defective Appeal since there was delay of about 194 days in filing the appeal. The delay in filing the appeal was condoned on 12.05.2003, and the Appeal was also admitted on 12.05.2003. The notices were issued and the respondents were represented by Sri Jagdish Singh, Advocate, who had died, and thereafter, notices were issued by this Court on 03.08.2023.

4. As per service report dated 05.09.2023, it has come on record that the respondent has died. The valuation of the appeal as per the memo of appeal is only Rs.499.69/-. The Land Acquisition Officer passed the award on 22.03.1982. The manner in which the State Government has proceeded in filing the appeal and contesting the appeal reflects that the State Government is not serious in contesting the appeal.

5. The respondent no.1 has died, and no substitution application to substitute the heirs of respondent no.1 has been filed. In such view of the fact, the appeal is dismissed as abated

Order Date :- 11.12.2023

NS