

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 350 OF 2015
in
FIRST APPEAL NO. 288 OF 2008
AND
MISC.CIVIL APPLICATION/ STAMP NUMBER (APPLN.) NO.
3272 OF 2015
in
FIRST APPEAL NO. 70 OF 2009

MISC.CIVIL APPLICATION NO. 350 OF 2015
IN
FIRST APPEAL NO. 288 OF 2008

M/S. VIKAS NURSERY, THROUGH POA MR. MAJOJ KULKARNI.	... Applicant
Versus	
LAND ACQUISITION OFFICER, PWD (CELL) PANAJI AND 2 ORS.,	... Respondents

Ms. N. Shirodkar, Advocate for the applicant.

Ms. Susan Linhares, Additional Government Advocate for the respondent nos.1 and 2.

AND
MISC.CIVIL APPLICATION/ STAMP NUMBER (APPLN.) NO.
3272 OF 2015
IN
FIRST APPEAL NO. 70 OF 2009

LAND ACQUISITION OFFICER PWD CELL PANAJI AND ANR.,	... Applicants
Versus	
M/S. VIKAS NURSERY THROUGH PROPRIETOR RAMCHANDRA UTTAM PRABHU DESSAI AND ANR.,	... Respondents

Ms. Susan Linhares, Additional Government Advocate for the applicants.

Ms. N. Shirodkar, Advocate for the respondents.

Coram :- C. V. BHADANG, J.

Date :- 5th December, 2015

P.C.

First Appeal No.288/2008 is for enhancement of compensation while First Appeal No.70/2009 is filed by the State. Both these appeals are arising out the same judgment and award, passed by the learned Reference Court.

2. It appears that the appellant M/s. Vikas Nursery in F.A.No.288/2008, which is said to be the sole Proprietorship Concern, was represented by Ramchandra Uttam Prabhudessai, who died on 20/06/2011. M.C.A. No.350/2015 is filed by Vikas Ramchandra Prabhudessai to bring on record the legal representatives as set out in para 4 of the application, in which there is a delay of 1325 days. The reasons for such delay are set out in the application.

3. M.C.A./ STA No.3272/2015 is filed by the State in the counter appeal i.e. F.A.No.70/2009, with a similar prayer for bringing on record the legal representatives of Ramchandra Uttam Prabhudessai, with a prayer for condonation of delay of 1523 days in filing the application, along with a prayer for setting aside abatement.

4. As both these applications are filed for the same relief in counter appeals, the learned Counsel for the appellant as also the learned Additional Government Advocate submitted that both these applications be allowed.

5. In such circumstances, for reasons stated, the applications are allowed, as prayed. Amendment to be carried out within one week.

SMA

C. V. BHADANG, J.