

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITIONS NO. 555, 556 & 594 OF 2014

SHRI. SANJAY Z. RANE	... Petitioner
Versus	
SHRI. RAMRAO VENKATRAO RANE & ANR.	... Respondents

Mr. Gaurish N. Agni, Advocate for the Petitioner.
Mr. P.S. Lotlikar, Advocate for the Respondents.

Coram:- M. S. SANKLECHA, J.

Date:- 15th April, 2015

ORAL ORDER :

These three petitions challenge three orders dated 16/07/2015 passed by the District Judge, Mapusa allowing respondents' application for amendment of its written statement in each of the three land acquisition cases between the same parties.

2. The three impugned orders dated 16/07/2014 are identically worded as the issues arising between the parties in all the three proceedings are identical. The only difference being that each of the orders dealt with a separate survey number of the property being claimed by the parties.

3. For the purpose of convenience, I refer to the facts stated in

Writ Petition No.555/2014. It is agreed between the parties that the result on the basis of facts in Writ Petition No.555/2014 would equally apply to Writ Petitions No.556/2014 and 594 of 2014.

4. There was a dispute between the petitioner and respondents with regard to the claim for compensation in land acquisition proceedings. In view of this dispute between the parties, the Land Acquisition Officer referred the matter to the District Court. The District Court had by the order dated 14/05/2004 disposed of all the three proceedings before it in favour of the petitioner. The respondents challenged the same in this Court. By an order dated 10/12/2010, this Court set aside the order dated 14/05/2004 of the District Court and restored the issue to the District Court for fresh adjudication. In the above order dated 10/12/2010 this Court also permitted the respondents to produce further/additional documents and permitted the parties to lead further evidence in support of their rival claims.

5. The respondents thereafter produced before the trial Court certain additional documents. Consequent to the above, the respondents sought to amend its written statements in all three

proceedings by bringing on record certain further facts based on the documents which were allowed to be produced.

6. The grievance of the petitioner is that the present amendment ought not to have been allowed as the amendment allows pleading in the case which is inconsistent with the original written statement which were filed on 15/12/1997. This is so as in its original written statement, the respondents had in 1997 stated that one Ramachandra Rane is their grandfather while in the present amendment application, the grandfather in the written statement is sought to be amended is one Mr. Suriagi alias Bapu Rane. Thus the amendment ought not to have been allowed.

7. I don't find any substance in the petitioner's grievance. The amendment which has been allowed very categorically states that Venkatarao Ramachandra Rane is the son of Ramachandra Amrutrao Rane and he had been adopted by the widow of the late Suriagi alias Bapu Rane i.e. one Parvotibai in 1908. The proposed amendment merely records the evidence which are already produced as a matter of additional documents before the trial Court. The trial Court has exercised positive discretion and allowed the respondents to amend

the written statement. So far as the disputed facts are concerned the same would be ascertained during the trial of the proceedings. At the time of considering an amendment application it is not for the Court to consider the merits of the amendment sought.

8. In the above view, I find no reason to interfere with the impugned orders dated 16/07/2014. Accordingly, all the three petitions are dismissed. No order as to costs.

M. S. SANKLECHA, J.

NH/-