

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.867 OF 2015
IN
FIRST APPEAL NO.1891 OF 2008

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. S. Pande for the Applicant
Mr. Rajan Pawar, AGP for Respondent No.1.

CORAM : K. K. TATED, J.
DATE : MARCH 19, 2015

P.C.:

1. Heard. This Application is preferred by the claimant claiming enhanced compensation @ Rs.2000/- per sq.mtr. instead of Rs.1000/- per sq.mtr. and to carry out an appropriate amendment to that effect. In support of his contention about an amendment at the appellate stage, he relied on the Apex Court judgment in the matter of *Ambya Kalya Mhatra (D) By L.Rs. and Ors. Vs. State of Maharashtra, AIR 2011 SC (Supp) 625*, particularly paragraph 16 and 20.

2. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and the Apex Court

judgment in the matter of Ambya Kalya Mhatra (supra), I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

3. Hence, the following order:

i) Civil Application is allowed in terms of prayer clause (A) which read thus:

(A) This Hon'ble High Court be pleased to permit the Applicants to amend and claim compensation at the rate of Rs.2000/- per square meter instead of Rs.1000/- per square meter.

ii) Amendment to be carried out within 6 weeks from today.

iii) The Applicant to pay court fees, if any, within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

iv) Civil application stands disposed off accordingly.

JUDGE