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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.48 OF 2016 IN
CROSS OBJECTION ST.NO.5101 OF 2015
FIRST APPEAL NO.19 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.R.D.Soni a/w Mr.S.N.Gawade and Mr.Ajay Sharma i/b
Shree and Co. for the Applicant
Dr.J.B.Kurup, AGP for the State

CORAM : A.S.OKA, &
C.V.BHADANG,JJ.
DATE : FEBRUARY 18, 2016.

P.C.

1 Heard the learned counsel for the applicants and the learned counsel for the first respondent. This is an application made by the applicants who are the respondents in the appeal preferred by the State Government. The applicants were the claimants in the Reference under section 18 of the Land Acquisition Act,1894. The Reference was partly allowed by the Judgment and Award which is impugned in the Appeal. The applicants have filed cross objections. By way of this application, the applicants want to amend the cross objections for claiming

the market value at the enhanced rate. Maximum Court fees payable on the cross objections has been already paid.

2 In view of the law laid down by the Apex Court in the case of *Ambya Kalya Mhatre (since deceased through L.Rs.) Vs. State of Maharashtra*¹, permission will have to be granted to the claimants to claim the market value at enhanced rate. Hence, the Civil Application is allowed in terms of prayer clause (A). Amendment to be carried out within a period of four weeks from today.

(C.V.BHADANG,J.)

(A.S.OKA,J.)

¹ (2011) 9 SCC 325.