

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

**CIVIL APPLICATION NO. 1154 OF 2015
IN
FIRST APPEAL (ST.) NO. 21898 OF 2014**

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. Sachin Punde for the applicant.

Mr. A.R. Patil, AGP for the respondent/State.

CORAM : K. K. TATED, J.

DATED : 26/02/2016

PC.:

. Heard learned Counsel for the applicant and learned AGP for the Respondent State.

2 This application is preferred by legal heirs of original claimant No.4 Shalini Shridhar Ranade, who died on 03.10.2008 and original claimant No.5 Rama Rajaram Apte who died on 20.09.2009 for filing First Appeal challenging the Judgment and Award dated 26.09.2008 passed by Reference Court in L.A.R. No. 113 of 2002.

3 The learned Counsel for the applicant submits that immediately after the impugned award passed by the Reference Court and before filing the First

Appeal, two claimants expired. Hence, the present Civil Application is preferred by the legal heirs of those deceased claimants for leave to file the present Appeal in this Court.

4 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as both the claimants expired immediately after passing the impugned Judgment and Award dated 26.09.2008, I am satisfied that applicant has made out the case for allowing the civil application.

5 Hence, following order is passed:

a) Civil application is allowed in terms of prayer clause (a), which reads thus:

“a) This Honourable High Court be pleased to grant Leave to the Applicants to prefer First Appeal against judgment and order dated 26.09.2008 passed by learned Civil Judge, Senior Division, Alibag, District Raigad in Land Acquisition Reference No. 113 of 2002 along with other surviving original claimants.”

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)