

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 3562 OF 2015

IN

FIRST APPEAL NO. 1398 OF 2013

M.I.D.C. thr Chief Executive Officer Vs. Bapuraoji Dashruji Nikhade thr L.Rs. & Ors.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri M. M. Agnihotri Adv for appellant.
Shri R. G. Kavimandan Adv for respondent no.1(i
to vii)
Shri H. R. Dhumale AGP for respondent no. 2.

CORAM: A. S. CHANDURKAR J.

DATED: 26th APRIL, 2016.

By this application the applicants seek addition of the legal heirs of respondent no. 1 (vi) who expired on 28.09.2012. In the application it is stated that the land belonging to one Bapurao Nikhade came to be acquired pursuant to the award passed by the Land Acquisition Officer. Said Bapurao filed a reference application and during its pendency he expired. Hence, his legal representatives were brought on record. One legal representative-Kusum expired on 28.09.2012 but her legal representatives were not brought on record before the Reference Court. It is further stated that while withdrawing the amount of compensation it was realised that the legal representatives of deceased Kusum had not been impleaded. In the application it is stated that as the reference proceedings were filed by Bapurao and his estate was represented by all other legal representatives who were brought on record, no prejudice

would be caused if the application is allowed.

The application is opposed on behalf of the appellant on the ground that legal representatives were not brought on record before the Reference Court.

It is to be noted that all the legal representatives of the original claimant had been impleaded in the reference proceedings though Kusum expired on 28.09.2012 before the proceedings could be decided. The estate of said Bapurao had been duly represented before the Reference Court. Considering the aforesaid fact, the application is allowed in terms of prayer clause (1). Necessary amendment be carried out within a period of one week from today. Civil application is allowed and disposed of.

JUDGE

svk