

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1686 OF 2017
IN
FIRST APPEAL NO. 1868 OF 2005

Shrikrishan Narayan Soman & Ors	...Applicants
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Mr Piyush Shah, *for the Applicants.*
Mr AA Palkar, *AGP, for the Respondent-State.*

CORAM: G.S. PATEL, J
DATED: 11th July 2017

PC:-

1. The Applicants seek an enhancement of compensation from Rs. 16 per sq mtr to Rs 23/- per sq mtr.

2. In my view, the Civil Application is not appropriate course for seeking a substantive enhancement. The Applicants have already sought enhancement from Rs. 16 per sq mtr to Rs 20 per sq. mtr by filing cross-objections, which will be tried independently even if the Appeal by the State Government fails or is withdrawn. What the Applicants actually seek is to increase that claim to Rs. 23 per sq mtr.

3. I will allow the Applicants to amend the cross-objections in that behalf, so that the claim in the cross-objections is now Rs. 23 per sq mtr instead of Rs 20/- per sq mtr.
4. Amendment to be carried out within two weeks without need of reverification.
5. This is of course subject to the Applicants paying the necessary deficit court fee on the cross-objections. The court fee payable is for the difference between Rs 20/- per sq mtr and Rs. 23/- per sq mtr because the Applicants have already paid the court fee on the cross-objections for the enhancement from Rs 16/- per sq mtr to Rs 20/- per sq. mtr.
6. The Civil Application is disposed of in these terms. No costs.

(G. S. PATEL, J)