

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 527 OF 2011

The State of Maharashtra	..	Appellant
vs.		
Shri Jagannath Balwant Nikam & Ors.	..	Respondents

Mr. Yogesh Dabke – AGP for Appellant.

CORAM : M. S. SONAK, J.
DATE: 20 FEBRUARY 2017

P.C :

1] This Appeal has been instituted by the State challenging the judgment and award dated 27 March 1995. The enhanced compensation in its entirety comes to Rs.28,610/-.

2] In this case, the notice issued to respondent no. 1 is returned unserved with the remark that respondent no.1 has expired on 1 June 2011. Similarly, notice issued to respondent no. 2 is returned with the Bailiff's remark that respondent no. 2 is dead approximately before 10 to 12 years. Notice issued to respondent no. 5 is returned with the Bailiff's remark that respondent no. 5 is dead on 3 September 1995. As of date, no civil application has been filed to set aside abatement.

3] It is not possible to proceed in the appeal, when the impugned award has attained finality as against the respondents who have expired and whose legal representatives have not been brought on record.

4] The matter relates to the year 1998. The first appeal is accordingly dismissed.

5] The dismissal of this appeal, may not be taken as approval of the rate awarded by the Reference Court.

(M. S. SONAK, J.)

Chandka