

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 532 OF 2011

The State of Maharashtra	..	Appellant
vs.		
Shri Maruti Shankar Jagtap & 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.

2] The appeal stands abated as against the legal representatives of respondent nos. 2 and 4. Respondent no. 2 is stated to have expired on 8 November 2011 and respondent no. 4 has expired about 10 years back as per the remark of the Bailiff. Till date, no steps have been taken to bring on record the legal representatives of said deceased respondents.

3] The entire enhanced compensation awarded to the respondents – claimants work out to Rs.7,896/-. The record indicates that notices to respondent nos. 1, 2 and 4 have been returned unserved with the remark that respondent no. 1 is dead on

24 September 2004, respondent no. 2 is dead on 10 April 2004 and respondent no. 4 is dead on 17 November 2000. Till date, no application has been filed for setting aside the abatement. The appeal, obviously cannot proceed only against respondent no. 3 – one of the claimants. As otherwise, there would be contradictory awards. That apart, the entire claim in the matter is Rs.7,896/-. The appeal has abated.

3] In any case, for the reasons set out in ***Order dated 6 February 2017 in Civil Application No. 5080 of 2001 in First Appeal (Stamp) No. 12511 of 1999 [The State of Maharashtra vs. Jagannath Sahebrao Wabale]***, this appeal is dismissed.

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

(M. S. SONAK, J.)