

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

**CHAMBER SUMMONS NO. 334 OF 2017
IN
LAND ACQUISITION REFERENCE NO. 1 OF 2016**

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. Chandran a/w Ms. Dharmika Patel a/w Ms. Amita Jasani i/b Purnand & Co. for the Applicant.
Mr. Rajiv Mane, AGP for the Respondent.

**CORAM : K. K. TATED, J.
DATED : 19/04/2017**

PC.:

1. Heard learned Counsel for the parties.
2. This Chamber Summons is preferred by the Claimant for carrying out amendment in LAR No. 1 of 2016 for claiming enhanced compensation and for addition some new ground.
3. The learned AGP filed affidavit-in-reply dated 06.04.2017 opposing the present Chamber Summons.
4. The learned AGP submits that Chamber Summons taken out by the Claimant is not maintainable as Reference cannot amend once it is filed. He further submits that Claimant if aggrieved by the Reference can agitate the same before the Commissioner at the time of recording the evidence.

Paragraphs 2 and 3 of the said affidavit-in-reply, reads thus:

“2. I state that the Chamber Summons taken out by the Claimants is not maintainable as the Reference cannot be amended by the Claimants.

3. I state that the Claimants if they are aggrieved by the Reference can agitate the same before the Commissioner at the time of recording of evidence as the reference is filed under Section 18 of the Land Acquisition Act.”

5 On the basis of these submissions, the learned AGP for SLAO submits that Chamber Summons taken out by the Claimant for amending the Reference be dismissed with costs.

6 I heard both the sides at length. It is to be noted that the present Chamber Summons is for claiming enhanced compensation and for placing on record the additional ground.

7 The learned Counsel for the Claimant relied on the Full Bench Judgment of this Court in the matter of *State of Maharashtra & Ors. etc. etc. v/s. Sitaram Narayan Patil (Since deceased through his LR.s Shri Pralhad Sitaram Patil & Ors.) and Ors. etc.etc. Reported in 2010 (2) Mh.L.J 387*. The Full Bench Judgment of this Court held that Reference can be amended by the Claimant claiming additional compensation.

8 Considering the submissions made by the learned Counsel for the Claimant and the judgment

in the matter of Sitaram Narayan Patil & Ors. (supra), I am satisfied that Claimant has made out case for allowing this Chamber Summons.

9 Hence, following order is passed:

- a) Chamber Summons is made absolute.
- b) Applicant in LAR Dy. Collector (Land Acquisition) No.4 is directed to carryout appropriate amendment in LAR No. 1 of 2016 as per the schedule annexed to the Chamber Summons on page 5 to 14.
- c) Amendment to be carried out on or before 03.05.2017 with amended copy to the Claimant.
- d) If amendment is not carried out on or before 03.05.2017 by the Applicant, Claimant is permitted to carryout the amendment in LAR with copy to other side.

(K.K.TATED, J.)