

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

**CHAMBER SUMMONS NO. 271 OF 2017
IN
LAND ACQUISITION REFERENCE NO. 6 OF 2003**

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. R. J. Mane, AGP for the Applicant.

Ms. Sangeeta Yadav i/b Suresh Kumar for the Acquiring Body.

Mr. P. G. Karande a/w Ms. Shruti Ayare for Claimant Nos. 1(A) & 1(B).

CORAM : K. K. TATED, J.

DATED : 28/04/2017

PC.:

. Heard learned Counsel for the parties.

2 The learned AGP for applicant filed affidavit of service dated 26.04.2017. Same is taken on record.

3 This Chamber Summons is for bringing legal heirs on record of Claimant No. 5 Shri. Chimanlal N. Fumakia, Claimant No. 10 Shri. Nirmal Dhirjlal Mehta, Claimant No.11 Shri. Vamanrai Gokuldas Maniyar and Claimant No. 16 Shri. Navinchandra Girdharlal Kamdar.

4 The learned AGP submits that they learnt about the death of these Claimants by letter dated 27.01.2017 received from Advocate Mr. Vijay

Waghela. He submits that thereafter they immediately made inquiry and preferred the present Chamber Summons. He submits that delay in preferring Chamber Summons be condoned. He submits that if delay is not condoned, irreparable loss will be caused to the applicant.

5 Though legal heirs of the Claimants are duly served, no one appeared on behalf of them.

6 The learned counsel for the Claimant Nos. 1A and 1B and Acquiring Body submit that they have no objection if present Chamber Summons is allowed.

7 Considering the submissions made by the learned AGP for the applicant, averments made in affidavit in support of Chamber Summons, letter dated 27.01.2017 received from Adv. Mr. Vijay Waghela, I am satisfied that application has made out case for allowing the Chamber Summons.

8 Hence, following order is passed:

a) Delay in preferring Chamber Summons is condoned.

b) Abatement is set aside.

c) Applicant is permitted to bring the legal heirs of deceased Claimant Nos, 5, 10, 11 & 16 on record in L.A.R. No. 6 of 2003 on or before 17.06.2017, failing which they have to deposit cost of Rs.10,000/- in the Registry of this Court.

d) If amendment is carried out within

stipulated time as stated hereinabove, office is directed to issue notice to the added Claimants in L.A.R. No. 6 of 2003, returnable on 18.08.2017.

e) In addition to usual mode of service, the applicant is permitted to serve the added Claimants along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect.

f) Applicant is directed to provide the copy of amended L.A.R. to the respondents and/or their respective Advocates, immediately thereafter.

g) Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)