

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [CAO] NO.1158 OF 2017
IN
CROSS OBJECTION [OXB] NO.46 OF 2017
IN
FIRST APPEAL NO.383 OF 2002

(Jagoba Vithobaji Kotgale, through L.Rs.
vs.

State of Maharashtra, through Collector, Gadchiroli and another)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.
DATE : 27th SEPTEMBER, 2017.

Heard Shri D.L. Dharmadhikari, learned Counsel for cross-objectors and Mrs. H.N. Prabhu, learned A.G.P. for respondents.

Learned A.G.P. submits that appeal filed by the State has been already decided and while deciding the appeal, this Court has observed that the order passed by the Reference Court is just and proper. The submission is that the proposed amendment is barred by limitation and cannot be allowed at this stage.

The proposed amendment relates to enhancement of compensation. If at all the relief claimed is barred by limitation, the same can be

kept open for consideration on merits. The proposed amendment, being essential to the determination of controversy between the parties, needs to be allowed. Moreover, it would not change the nature of relief claimed by cross-objectors before the Reference Court.

Hence, the application is allowed. Proposed amendment shall be carried out within a period of two weeks.

The point of limitation, if any arises, is kept open for consideration on merits.

Cross-objectors shall place amended copy of cross-objection on record.

JUDGE

**sdw*