IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LAND ACQUISITION REFERENCE NO.3 OF 2003
WITH
CHAMBER SUMMONS NO.1611 OF 2016
IN
LAND ACQUISITION REFERENCE NO.3 OF 2003
WITH
NOTICE OF MOTION NO.3348 OF 2007
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003
WITH
CHAMBER SUMMONS (ST.) NO.400 OF 2017
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003
WITH
CHAMBER SUMMONS (ST.) NO.401 OF 2017
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003
WITH
CHAMBER SUMMONS NO.402 OF 2017
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003
WITH
CHAMBER SUMMONS (ST.) NO.403 OF 2017
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003
WITH
CHAMBER SUMMONS (ST.) NO.404 OF 2017
IN
LAND ACQUISITION REFERENCE NO.4 OF 2003

Special Land Acquisition Officer (3) … Applicant
And
Smt. Sangabai W/o. Devsi Khona
And Others … Claimants
And
The Dy. Chief Engineer (c)
Metropolitan Transport Project

(Railway) … Acquiring Body

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Ms. Jyoti Chavan, AGP for SLAO.
Mr. V.P. Kakade I/b Mr. V.P. Sawant for Claimant Nos.2A to 2D.
Ms. Priyanka Tiwari I/b Suresh Kumar for Acquiring Body.

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CORAM : S.C.GUPTE, J.

DATE : 13 JUNE 2018

P.C. :

Chamber Summons (L) No.400 of 2017 :

. The Applicant-State has taken out this chamber summons in Land Acquisition Reference No.4 of 2003 for bringing on record legal heirs of the deceased Respondent No.9. The chamber summons is allowed. The amendment to be carried out within two weeks.

2 In Land Acquisition Reference No.3 of 2003, the claimant has filed an affidavit of evidence. Ms. Neeta Jain, Advocate, has already been appointed as Commissioner for recording of evidence. The parties may right to the commissioner and have a schedule of meetings fixed for recording of evidence. Liberty to the parties to come to the Court in case of any difficulty.

Chamber Summons No.1611 of 2016

3 This chamber summons is taken out by the Applicant in Land Acquisition Reference No.3 of 2003 for brining on recored legal heirs of the

deceased Claimant No.1. The chamber summons is objected to by Claimant Nos.2A to 2D on the grounds that the claimant has expired long back; that accordingly the application is barred by law of limitation; and that the claimant has executed a will and that the legal representatives who are sought to be joined are not true legal representatives of the deceased. The objection concerning entitlement of the legal heirs to the compensation, considering the alleged will executed by the deceased claimant, is a matter which can be considered in the trial. The impleadment itself may not be held up for that purpose. Accordingly, Chamber Summons No.1611 of 2016 is made absolute in terms of prayer clause -(a). Amendment to be carried out with two weeks. All contentions on merits are kept open.

(S.C. GUPTE, J.)