

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 297 OF 2016

IN

FIRST APPEAL NO. 2148 OF 2011

Gramdevi Kalbhairav Sanstan Through (New Trustees)
Shri. Bhagwan Anant Keni and Others.

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. S.S. Punde, Advocate for Applicants.

Ms. Tanya Goswami AGP, for the State/Respondent no. 1.

...

CORAM : K.K.TATED, J.
DATED : SEPTEMBER 27, 2019

P.C.

1. Heard learned counsel for the parties.
2. By this Civil Application, Applicants/Claimants are seeking to carry out amendment and claimed compensation at the rate of Rs.2000/- per square meter instead of Rs.700/-.
3. The Learned Counsel for the Applicants submit that, by this First Appeal they are challenging the Judgment and Award dated 19th September 2006, passed by learned Joint Civil Judge, Senior Division, Raigad at Alibag in Land Acquisition Reference No.914 of 2000 awarding the compensation in respect of acquired property. He submits that, earlier the Applicants claimed the compensation at the

rate of 700 per sq. meter. He submits that in view of subsequent judgment from the same locality in respect of acquired land, Applicants wants to claim compensation at the rate of 2000/- per sq. meter for acquired property.

4. Considering the submission made by the learned Counsel for the Applicants and the averments made in Civil Application, I am satisfied that, the applicants have made out a case for allowing the Civil Application. Hence, the following order is passed.

a) Civil Application is allowed in terms of prayer clause 'A' which reads thus:

“A) This Honourable High Court be pleased to permit the Applicants to amend and claim compensation at the rate of Rs.2000/- per square meter instead of Rs.1000/- per square meter thereby permitting Applicants to carry out necessary amendments in the proceedings.”

b) Applicants to carry out amendment in First Appeal and pay court fees on amended claim on or before 19th September 2019, failing which the Civil Application shall stand dismissed without further reference to the Court.

c) If, amendment is carried out within time, the Applicants are directed to provide the copy of amended First Appeal in the office of Government Pleader High Court Appellate Side, and file Affidavit of service.

d) Civil Application disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)