

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2480/2019
in
First Appeal (ST) No.19506/2019

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. S. S. Deshmukh for the Applicant
Mr. R. Fernandes for Respondent No.22.

CORAM: K.K.TATED, J.
DATED : AUGUST 6, 2019

P.C.

1 Heard. The learned counsel for the Applicant submits that the Respondents are duly served by private notice. He has filed Affidavit of Service dated 20.07.2019. Same is taken on record. In spite of service, none appeared for them.

2 The learned counsel for the Applicant submits that the Applicant is an acquiring body, for whose benefit, the acquisition is made in the present proceedings. He submits that, the entire burden of payment of compensation is on the Applicant, being acquiring body. He submits that before the Reference Court they were not made party. He submits

that the Reference Court, by judgment and award dated 30.06.2016 in LAR No.9/2001 held that the Respondent-Claimants are entitled to enhanced compensation @ Rs.20/- PSM along with 30% solatium with 12% interest as contemplated under section 23 (1-A) of Section 23 of the Land Acquisition Act, 1894 from the date of Notification u/s.4(1) of the said Act and also entitled to the interest as provided u/s.28 of the said Act. Hence, the present application for leave to file the First Appeal.

3 Considering the submissions made by the learned counsel for the Applicant and as the acquiring body is going to bear all the expenses of acquisition, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

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

“(a) that this Hon'ble Court be pleased to grant leave to appeal in favour of the Applicant to prosecute the Appeal to challenge the judgment and award passed by the Learned District Judge , at Daman in Land Acquisition Case No.9/2001 on 30.06.2016.”

b) The Civil Application stands disposed of accordingly.

c) No order as to costs.

(K.K.TATED, J.)