

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

**CIVIL APPLICATION NO.2796/2019
IN
FIRST APPEAL NO.759/2019**

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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AGP Mr. AR Patil for applicant.

Advocate Mrs. Ashwini Jadhav i/b SA Ghaisas for respondent nos.
1 to 6.

**CORAM : K. K. TATED, J.
DATE : AUGUST 16, 2019.**

P.C.:

Heard learned AGP Mr.A.R.Patil for applicant.

2 Learned AGP Mr.A.R.Patil for applicant submits that by this civil application, they are seeking permission to carry out appropriate amendment in first appeal as well as civil application to show correct area as 2400 sq.mtrs.

3. Learned AGP Mr.A.R.Patil submits that they filed first appeal, challenging judgment and award dated 12.12.2014 passed

by the reference court in LAR No.781/2000. He submits that in Judgment dated 12.12.2014, in operative para it is shown that respondents are entitled compensation 2,19,861/- for 240 sq.mtr. Land. When this matter was on board before this Court, at that time, learned advocate for respondent pointed out that they made application for correction of order dated 12.12.2014 i.e. instead of 240 sq.mtrs it should be 2400 sq.mtrs.

4 Learned advocate for applicant further submits that at the time of carrying out correction in the impugned judgment and award, the reference Court also carried out amendment in compensation payable to the respondent. He submits that in view of these facts, applicant may be permitted to carry out appropriate amendment in first appeal and also allow them to place on record corrected judgment and award passed by the reference court.

5 Considering the submissions made by the learned AGP Mr. Patil for applicant and the averments made in application and in view of correction of impugned judgment and award, I am satisfied that applicant has made out a case for following order.

a) Applicant is permitted to place on record corrected Judgment and Decree passed by the trial court, in LAR No.781/2000 (old LAR No.428/2019) on or before 5.10.2019.

b) Applicant is permitted to carry out amendment in First appeal, and pending civil application on or before 5.10.2019 with copy to other side.

- c) Applicant is permitted to pay additional court fee if any, on the basis of averments on or before 5.10.2019.
- d) Civil application allowed and disposed of accordingly.

(K.K.TATED, J.)