

psv

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

**INTERIM APPLICATION NO.1 OF 2019
IN
LAND ACQUISITION REFERENCE NO.3 OF 1990**

Celine Rodrigues & Ors.	..Applicants
In the matter between	
The Special Land Acquisition Officer (7)	
And	
Municipal Corporation Greater Bombay	..Acquiring Body
And	
Shri Roch Stanislaus Rodrigues (since deceased)	
through Smt.Celine Rodrigues & Ors.	..Claimants

**AND
LAND ACQUISITION REFERENCE NO.1 OF 1990
AND
LAND ACQUISITION REFERENCE NO.3 OF 1990
AND
NOTICE OF MOTION NO.2362 OF 2018
IN
LAND ACQUISITION REFERENCE NO.3 OF 1990**

Mr.Denzil D'mello with Ms.Shruti Thorat for Claimants/Applicants..
Mr.H.B. Takke, AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : 24th JANUARY, 2020

P.C.:

Interim application is not on board. Taken on board.

2. Heard learned Counsel for the applicants, learned Counsel for the acquiring body-MCGM and the learned AGP

3. This is an application whereby the applicants/claimants pray that they now intend to examine Mr.Ashok C. Vaidya as their witness for recording his further examination-in-chief and for tendering the documents as set out in prayer clause (a). It is submitted that this witness has submitted the valuation report and would be competent person to depose on the said valuation report and tender the documents on his evidence. The prayer as made is reasonable and is required to be granted.

4. Having heard learned Counsel for the parties and having perused the averments as made in the application, it is in the interest of justice that the application is allowed. It is accordingly allowed in terms of prayer clause (a) which reads thus:-

“a. That the Claimants be allowed to examine Mr.Ashok C. Vaidya as their witness for recording his further Examination-in-Chief, tendering the following documents namely, (i) the Affidavit-in-Examination-in- Chief of Mr.Ashok C. Vaidya dated 18.12.2006, (ii) the Valuation report dated 17.12.2006 annexed to the Affidavit in Examination-in Chief of Ashok C. Vaidya with it's annexure namely, Location Plan & (iii) Location Plan drawn up by M/ s.C.D. Vaidya & Co., Architects & Valuers being Serial No.11 to the Claimants' Compilation of Documents & for his subsequent cross-examination.”

5. Stand over to 31 January 2020 to enable the witness to remain present in the Court so that his affidavit of evidence is accepted and placed on record as also documents can be marked in evidence, if not earlier marked.

[G.S. KULKARNI, J.]