

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 71/2007

(DIVN. CONTROLLER, MSRTC CHANDRAPUR **VERSUS** NANDKISHOR D.GUNDAPAWAR & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M.A. Kadu, A.G.P. for the R-5 & 6.

CORAM : A.S. CHANDURKAR, J.

DATE : JANUARY 03, 2019.

None for the appellant.

By an order dated 01.04.2016, it was noted that respondent nos.3 and 4-original claimant nos.3 and 4 have expired and hence time was given to the appellant to take necessary steps. Despite grant of sufficient time, the legal heirs were not brought on record and hence by the conditional order dated 22.08.2016, the appeal stood dismissed against respondent nos.3 and 4-original claimant nos.3 and 4.

In *Special Land Acquisition Officer, Bombay Versus Harichandra Ramji Patil & Others* [2000(1) Mh.L.J. 256], this Court has held that the provisions of Order XXII of the Code of Civil Procedure, 1908 would be applicable to reference proceedings under the Land Acquisition Act, 1894. The present appeal is under Section 54 of the said Act. Perusal of the order passed by the reference Court indicates that all claimants in L.A.R. No.4 of 1999, out of which the present appeal arises, have been jointly held entitled to receive the amount of compensation. As a result of abatement of appeal against claimant nos.3 and 4 and the fact that all claimants were jointly held entitled to receive the amount of compensation, in absence of those claimants further adjudication of this appeal on merits would not be permissible.

First Appeal is accordingly disposed of having been abated. There would be no order as to costs.

JUDGE

APTE