

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION (STAMP) NO. 28956 OF 2018**

Mahadu Chandar Jadhav
(Deceased) Through Legal Heirs & Ors.Petitioners.

Vs.

The State Of Maharashtra & Ors.Respondents.

Mr. Pratik Rahade for the Petitioners.

Mr. V.S. Nimbalkar, AGP for the Respondent No.1-State.

CORAM : A. S. GADKARI, J.

DATE : 13th MARCH, 2020.

P.C.:-

By the present Petition under Article 227 of the Constitution of India, the Petitioners-Claimants in Land Acquisition Reference Nos. 94 of 2000 and 96 of 2000 have impugned Order passed below Exhibit-1 in LRMA No. 14 of 2007, rejecting the Application of Claimant No. 1-F for correction in her name from Sarla Rajaram Potinde to Sarla Rajaram Jadhav.

2 The record indicates that, at the time of filing of the said Land Reference Nos. 94 of 2000 and 96 of 2000, the name of the Petitioner No.1-F has been mentioned as Sarla Rajaram Potinde, the legal heir of late Mahadu Chandar Jadhav. It is a matter of record that, the maiden name of the Petitioner No.1-F was Sarla Rajaram Jadhav and after her marriage her name is Sarla Baburao Potinde. It appears that, the Petitioner No.1-F is a

semi-literate person and the said reference was filed by an Advocate, on the basis of instructions given by her family members. It is the reason, her name has been erroneously typed as *“Sarla Rajaram Potinde*.

3 It is to be noted here that, there is no dispute about the fact that the maiden name of the Petitioner No.1-F was Sarla Rajaram Jadhav. The record further indicates that, in the present Application, the Respondents had submitted their say and had requested the concerned Court to pass appropriate Orders for correction of name of the Petitioner No.1-F to the record.

The record further indicates that, the Petitioner No.1-F has filed an affidavit dated 31st January, 2020 reiterating the said fact and stated that, in future, in case if any dispute arises regarding claim of compensation received by her, she will reimburse the same to the concerned Government Department.

4 As there is abundant material available on record to indicate that, the maiden name of the Petitioner No.1-F was Sarla Rajaram Jadhav, the impugned Order dated 17th August, 2018 passed by the learned Civil Judge, Senior Division, Nashik below Exhibit-1 in in LRMA No. 14 of 2007, is hereby set aside and the Petition is allowed in terms of prayer clause (a).

All the concerned to act on the basis of an authenticated copy of this Order.