

vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

FIRST APPEAL NO. 294 OF 2003

CHANDRESHWAR BHUTNATH
DEVASTHAN, Parvat Paroda, with its
office at Coto Amona, Quepem, Goa,
represented by its Attorney Shri
Chandrakant Shiva Raut Desai, age 52,
occupation service, married, residing at
H.No.85, Assolda, P.O. Chandor – Salcete,
Goa.

...Appellant.

Versus

- 1 SHRI KRISHNAKANT KESHAV
PARVOTKAR
3rd floor, Samar Seth Co-Operative
Housing Society, Charkop –
Khandiwali (W), Mumbai
(since deceased)
- 1(a) Shri Samir Krishnakant Parvatkar
Age 39 years, bachelor,
Landlord.
- 1(b) Shri Sachin Krishnakant Parvatkar
Age 39 years, married,
landlord,
and his wife
- 1(c) Smt. Sunita Sachin Parvatkar
Age – 32 years,

All residing at 21/B, Bhagyoday
CHS Ltd., Gokhivare, Vasai (E),
Tal Vasai, District Thane,
Maharashtra.

[Amendment carried out as per
order dated 22/08/2014]

2 RAMCHANDRA KESHAV
PARVOTKAR
(Since deceased represented by his
legal heirs)

a) SMT. BHANU MARUTI PAGI
daughter of deceased No.2,
married, age 42

b) SHRI MARUTI PAGI
husband of heir (a),
married, age 45,

Both residents of C/o. 'B' Wing, 4th
Floor, Concord Co-Operative
Housing Society, II Cross Lane,
Lokhandwala Complex, Andheri
(W), Mumbai – 53.

c) SMT. MADHAVI CULDIP
CHAUHAN
Daughter of deceased No.2
Married, age 35,

d) SHRI CULDIP CHAUHAN
Husband of heir (c),
Married, Age 38.

Both residents of C/o. 'B' Wing,
Concord, 405, Lokhandwala
Complex, Andheri (W), Mumbai –
400 044.

e) SMT. SHUBHANGUI SANJAY
VAIDHYA
daughter of deceased,
married, age 43,

f) SHRI SANJAY VAIDHYA
husband of heir (e),
married, age 39,

Both residents of C/o. H.No.273,
Mapla Mahal, J.S.S. Road,
Girgaum, Mumbai – 400 044.

...Respondents
(Original Party
No.2 & 3)

Mr. R. Menezes and Ms. Gina Almeida, Advocates for
the appellant.

Mr. S. D. Padiyar, Advocate for the respondent nos.1 to 4.

CORAM: MANISH PITALE, J.

DATED: 30th August, 2021.

JUDGMENT:

1. By this appeal the appellant has challenged the judgment and order dated 8.8.2003 passed by the District and Sessions Court, South Goa, Margao in Land Acquisition Case no.46/1990 upon a reference under Section 30 of the Land Acquisition Act 1894.

2. By the said judgment and order, said court has answered the reference in favour of the respondents, holding that they are entitled towards compensation of ₹64048/ and accrued interest in respect of the subject land.

3. The learned Counsel for the appellant argued vehemently and made detailed submissions as regards contentions of the appellant, in order to demonstrate the error committed by the aforesaid Court in answering the reference in favour of the respondents.

4. This Court is of the opinion that since the impugned judgment and order was concerned with only a reference under section 30 of the aforesaid Act, findings rendered therein would obviously have no impact on the proceedings initiated by the parties against each other before competent Court with regard to their title to the land in question. Reference was made to such proceedings, which was not disputed by the learned Counsel for the respondents.

5. The aforesaid fact, as also the admitted position that the dispute in the present case pertains only to the aforesaid amount Rs.64048/- along with accrued interest, this Court is of the opinion that the present appeal can be disposed of in the following manner. The appeal is dismissed. Although, it is made clear that the issue pertaining to the title is kept open and all the contentions raised by the appellant in support of the present appeal can be agitated by the appellant before competent Court where proceedings pertaining to claim towards title are pending.

MANISH PITALE, J.

VINITA VIKAS NAIK

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