

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

FIRST APPEAL NO. 855 OF 1995

The State of Maharashtra Appellant
v/s.
Shri. Mahadeo Ragho Parab and anr. Respondents

Mr. N.B. Patil, AGP for the State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act. It is seen that during the pendency of the Appeal, the Respondent No.1 who is the original claimant in Land Reference under section 18, has expired. The legal representatives were brought on record as Respondent Nos.1A, 1B and 1C. Office noting indicate that Respondent No.1A has also expired. Legal representatives of deceased Respondent No.1A are not brought on record. Proceedings stand abated as against Respondent No.1A. The records further indicate that name of Respondent No.1B is deleted as per Registrar's order dated 13/09/2017 and proceedings as against Respondent No.1C has been dismissed as per Registrar's order dated 04/05/2018.

2. The judgment and award is joint and indivisible. Success of the Appeal will lead to inconsistent decisions. Hence, the Appeal cannot continue only against Respondent No.2, one of the claimants in the Land Reference. As a consequent thereof, the Appeal is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)