

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

CIVIL APPLICATION NO. 713 OF 2017
IN
FIRST APPEAL (ST) NO. 41791 OF 2003

The State of Maharashtra & Anr

..Appellant/Applicant.

v/s.

Keshav Santu Patil & Anr.

..Respondents

Ms. Tanaya Goswami, AGP for the Appellant/Applicant.
None for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 7th SEPTEMBER, 2022.**

P.C.

1. None present for the Respondent No.1 though duly served. Respondent No.2 has expired. Legal representatives of Respondent No.2 are not brought on record. Proceedings stand abated as against Respondent No.2.
2. The Applicant State has sought to condone the delay in filing the appeal under Section 54 of the Land Acquisition Act. By the impugned judgment, the Reference Court has enhanced the compensation at Rs.30000/- per hectare, and has accordingly held that the Respondents Claimants are entitled for total compensation of Rs.37,800/- towards the value of the land. The total compensation payable to the Respondents including the statutory benefit is Rs.1,96,010/-. The judgment and

award is indivisible and in the event the appellant succeeds in the appeal, it will lead to contradictory awards which is not permissible in law.

3. In view of the above, I am not inclined to condone the delay and admit the appeal, hence the application stands dismissed.

(ANUJA PRABHUDESSAI, J.)