

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

FIRST APPEAL NO. 265 OF 1995

The State of Maharashtra Appellant
v/s.
Pratapsingh Mansingh Pardesi (since
deceased through legal heirs) :
Lalsingh Pratapsingh Pardesi and ors. Respondents

Ms. Tanaya Goswami – AGP for the State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2022.

P. C. :-

. This is an Appeal under section 54 of the Land Acquisition Act challenging the judgment dated 31/07/1991 in Land Reference No.105/1986.

2. The records reveal that the portion of land belonging to the original claimant – Pratapsingh Pardesi was acquired by the Government. Not being satisfied with the quantum of compensation awarded, the claimant filed reference under section 18 of the Land Acquisition Act. By the impugned judgment, the Reference Court enhanced the compensation to Rs.1,37,245.75/-.

3. The records indicate that the Respondent No.6 who is one of the legal representatives of the original claimant has expired and the appeal has abated against him. The award has become final as against the legal representatives of the deceased Respondent No.6. If the Appeal is allowed, there will be conflicting decisions. Hence, the Appeal as a whole stands abated as otherwise it would result in inconsistent awards, which is not permissible in law. Consequently, the Appeal as a whole is dismissed as abated.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
H JAYANI**

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