

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

***INTERIM APPLICATION NO.3032 OF 2022
IN
FIRST APPEAL (ST) NO.9816 OF 2015***

The Executive Engineer,
Minor Irrigation Division,
Sangli, Dist: Sangli

...Applicant

Vs

1 Parappa G. Maigur & Ors.

...Respondents

...

Mr. Y.G.Thorat i/by D.D.Shinde for the Appellant/Applicant.

Mr. Tejpal Ingale for R.Nos.1A to 1E.

Mrs. Pallavi Dabholkar, AGP for State-Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : MAY 4, 2022.

P.C. :

INTERIM APPLICATION NO.3032 OF 2022

Leave to amend. Amendment to be carried out forthwith.

2 Feeling aggrieved by the judgment and award passed in
Land Acquisition Reference No.85 of 2008 by the Second Joint Civil
Judge, Senior Division, Sangli, Executive Engineer, Minor Irrigation
Division, Sangli District, Sangli has preferred this First Appeal.
Pending Appeal, Respondent No.1-Sole Claimant passed away on 12th

April, 2016.

3 This application seeks to bring legal representatives of deceased respondent no.1 on record details of which are, set out in Schedule appended to the Civil Application.

4 Heard learned counsel for the Parties.

5 In view of the reasons set out in the application, delay caused in bringing legal representatives of the deceased respondent is condoned. As a result, the order abating the appeal against the respondent no.1 is set aside. Application is allowed and made absolute in terms of prayer clauses (a), (b) and (c).

6 Application is disposed of.

7 Pending appeal, parties have settled the disputes and recorded the 'Consent Terms' on 4th May, 2022. Legal representatives of the deceased respondent no.1 have executed the Consent Terms

before Notary at District: Sangli. Consent Terms are taken on record and marked **‘X-1’ for Identification**. Mr. Tejpal Ingle, learned advocate appears on behalf of the legal representatives of the deceased respondent. He has filed his vakalatnama on their behalf. Mr. Shrishail Parapa Maigur Parmar, Respondent No.1(d) is present in the Court. He is Constituted Attorney of Respondent Nos.1(a) to 1(c) and 1(e) to 1(g). Signatures of respondent nos.1(a) to 1(g) are identified by their advocates. Adhar Card of the Constituted Attorney is taken on record. He admits the contents of the Consent Terms. In consideration of the facts of the case, appeal is disposed of in terms of the Consent Terms dated 4th May, 2022. As such, the award dated 2nd September, 2014 passed in Land Acquisition Reference No.85 of 2008 passed by the Second Joint Civil Judge, Senior Division, Sangli stands modified.

8 Appeal is disposed of including all the applications therein.

9 Appellant shall claim refund of Court-fees as per Rules.

(SANDEEP K. SHINDE, J.)