

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

FIRST APPEAL NO.841 OF 1995

The State of Maharashtra through
the Collector, Sangli

...Appellant

Versus

Yashvant Dhondiba Avhad and
Ors.

...Respondents

...

Mr. N.B. Patil, AGP for the Appellant-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th JULY, 2022.

P. C. :-

1. This is an appeal under Section 54 of the Land Acquisition Act, 1894 challenging Judgment and Award dated 14/02/1993 passed in Land Reference No.105 of 1985.

2. Respondent Nos.1 to 3 had filed reference under Section 18 of the Act seeking enhanced compensation. By the impugned judgment the Reference Court has directed the Appellant-State to pay to the Respondents enhanced compensation of Rs.18,585/-including interest and other statutory benefits at the rate of 9% p.a. on the said amount for the period of one year from the date of possession and thereafter

interest at the rate of 15% p.a. till the realisation of the entire amount.

3. The records reveal that the appeal has abated as against Respondent No.2 as per Registrar Court's order dated 04/11/2019. Till date no application has been filed to set aside abatement and to bring on record the legal representatives of Respondent No.2. The Judgment and Award is joint and indivisible and has attained finality as against Respondent No.2. In the event the Appellant succeeds in the appeal, it will lead to inconsistent decree, which is not permissible under law. Hence, the appeal stands dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)