

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.917/2018

Bhiwa Vaidhya and others V State of Maharashtra and another
with

Writ Petition No.918/2018

Smt. Shewantabai Vaidhya and others V State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.S. Charpe, Advocate for petitioners.

Mr. G.E. Moharir, Advocate for respondent no.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 01-08-2022

Both the matters raise a common issue and, therefore, the same can be decided by this common order.

2. The application for amendment of statement of claim filed by the applicant under Section 18 of the Land Acquisition Act, has been rejected vide order dated 02-11-2017. The evidence of the non-applicants is yet to begin. Whatever the pleadings which are raised by the petitioner will have to be proved by him during the course of evidence and in case the same is not so done, it will result in dismissal of the claim.

3. That being the position, I do not see any reason why the application for amendment of statement of claim in the above circumstances ought not be permitted as the burden to prove them rests solely upon the petitioner.

4. In view of above, the petition is allowed. The impugned order dated 02-11-2017 is quashed and set aside.
5. Application for amendment is allowed.

(Avinash G. Gharote, J.)