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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1617 OF 2016

IN

LAND ACQUISITION REFERENCE NO.7 OF 2004

IN

LAQ/LAR/1/2002

Ajit D. Ambekar

...Applicant /
Ori. Claimant 5.

In the matter between
The Special Land Acquisition Officer, MHADA

And

Sunita D. Ambekar & Ors.

...Claimants

And

Shree Siddhivinayak Ganpati Temple Trust

...Acquiring body

Madhur Surana i/b. Shashikant Surana for the Acquiring Body.

Mr. Yatin R. Shah for Claimant No.3.

Mr. Vivek Kantawala with Mr. Rubin Vakil and Mr. Siddharth Bafna
i/b. Shanay Bafna for Claimant No.5.

CORAM : R.I. CHAGLA J

DATE : 7 AUGUST 2023

ORDER :

1. By this Chamber Summons, the Applicant / Claimant
No.5 has sought deletion of the names of claimant Nos.1 and 2. The

Applicant has stated that by a supplementary Deed of Family settlement, the Claimant Nos.1 and 2 have recorded their understanding in writing as to the division of the property left by their parents. The Claimant Nos.1 and 2 have agreed to release and relinquish their right in respect of the said acquired property on payment of Rs.10,00,000/- to each of them. The Applicant has paid an amount of Rs.10,00,000/- to each of his sisters i.e. Claimant Nos.1 and 2 for relinquishing their right in the subject property. Accordingly, Claimant Nos.1 and 2 have relinquished their rights in the subject property and the deletion has been sought in the Land Acquisition Reference.

2. Having considered the averments in the Affidavit in Support of the Chamber Summons and perusing the supplementary Deed of Family Settlement dated 6th February, 2007 which has been annexed to Exhibit A to the said Affidavit in Support, it is apparent that the Claimant Nos.1 and 2 have relinquished their right in respect of the subject property. Accordingly, they are no longer necessary parties in the above proceedings. In view thereof, following order is passed:-

(i) The Claimant Nos.1 and 2 shall be deleted as parties in the above Land Acquisition Reference.

(ii) Amendment shall be carried out within a period of two weeks from today. Re-verification is dispensed with.

(iii) It is noted that Claimant No.5 has deposed on behalf of the Claimant Nos.1 and 2 and his deposition shall be treated as a deposition on their behalf.

(iv) Chamber Summons is disposed of.

3. The matter shall be placed on 16th October, 2023 at 2.30 p.m.

[R.I. CHAGLA J.]