

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12440 OF 2025**

Atmaram Manglya Patil (deceased)
and Ors. ... Petitioners
versus
Special Land Acquisition Officer, Panvel and Ors. ... Respondents

Mr. Rajesh Parab, for Petitioners.

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Date: 2025.09.30
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CORAM: N.J.JAMADAR, J.

DATE : 29 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 30 July 2025 passed by the learned Civil Judge, Sr. Division, Panvel, in LAR No.65 of 2002, whereby the application preferred by Respondent No.3 to bring the legal representatives of Atmaram Patil, deceased Petitioner in LAR No.65 of 2002 came to be allowed.
3. Late Atmaram Patil had filed a Reference under Section 18 of the Land Acquisition Act, 1894 for enhancement of the compensation for the acquired land situated at Mauje Bokadvira, Tal. Uran, Dist. Raigad. The Petitioners are the sons, Respondent No.2 Gangubai is the wife and Respondent Nos.3 to 6 are the daughters of late Atmaram Patil, who passed away on 9 November 2023. The Petitioners filed an application to bring them on record as the legal representatives of late Atmaram, on the strength of a registered Will executed

in favour of the Petitioners. By an order dated 3 April 2024, the said application came to be allowed.

4. Respondent No.2 filed applications to bring the other heirs of Atmaram by condoning the delay. The Petitioners resisted the application contending that, only the Petitioners were the legal representatives of the deceased Atmaram on the strength of the said Will.

5. By the impugned order, the learned Civil Judge was persuaded to allow the applications observing that the Reference was not a proceeding for grant of Probate, and, therefore, the contention of the Petitioners that they are the sole legal representatives of the deceased Atmaram, as the legatees under the Will, cannot be determined therein.

6. Mr. Parab, learned Counsel for the Petitioners, would submit that once the Petitioners were brought on record as the legal representatives, there was no occasion for bringing other legal representatives on record. Moreover, three of the sisters of the Petitioners had filed applications before the Reference Court giving their no objection for the continuation of the reference proceeding by the Petitioners, without bringing them on record.

7. Having regard to the nature of the proceedings before the Reference Court, it does not appear that the learned Civil Judge has committed any error in passing the impugned order. The legality and validity of the registered Will, or, for that matter, the exclusive right to the estate of the deceased Atmaram

cannot be lawfully determined in the said proceeding. Indubitably, Respondent Nos.2 to 6 are the Class I heirs of late Atmaram. Whether the estate of late Atmaram would devolve by testamentary disposition cannot be a subject matter of the proceeding before the Reference Court. The provisions contained in Order XXII of the Code do not strictly apply to the Reference under Section 18 of the Land Acquisition Act, 1894. The learned Civil Judge was, thus, justified in directing the impleadment of all the legal representatives of deceased Atmaram.

8. The aspect of apportionment of the enhanced compensation, as and when granted, can be determined at an appropriate stage. Thus, the Petition does not deserve to be entertained.

9. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)