

ORDER BELOW EXH.22 IN L.A.R. NO. 101/2022

1. This application is filed by legal heirs of deceased claimant No. 2 Jairam Rambhau Gaikwad. They contended that **claimant No. 2 Jairam Rambhau Gaikwad** died on 08/02/2023. They are the legal heirs. They were not aware about the said reference petition. As they are not brought on record, hence the petition is abated against claimant. Hence, prayed that they be brought on record as legal heirs of deceased claimant.

2. Respondent resisted this application and filed his reply at **Exh.28**. They contended that there is huge delay to file this application. The grounds mentioned are not satisfactory. Hence, prayed that application be rejected.

3. Considering rival contentions of both the parties following points arise for my determination and I record my findings thereon for the reasons mentioned below.

No.	POINTS	FINDINGS
1	Whether application deserves to be allowed?	... Yes.
2	What Order ?	... As per order.

:: REASONS ::

POINT NO.1 & 2 :-

4. Heard both the learned Advocates. Perused the record. This Reference Petition is under section 28A(3) of the Land Acquisition Act. During the pendency of Reference Petition claimant No. 2 Jairam Rambhau Gaikwad died on 08/02/2023. The delay

caused in filing the application to bring the legal heirs on record is condoned vide order passed on **Exh.20**. This is reference petition filed under section 18 of the Land Acquisition Act. Considering the peculiar nature of the reference petition and the provisions of Land Acquisition Act and in the interest of justice to decide the petition on merit finally, it is necessary to bring the legal heirs of deceased claimant on record. Hence, in view of above discussion, I am of the opinion that application needs to be allowed. Accordingly, I answer Point No.1 in the positive and in answer the Point No.2 I pass the following order.

:: ORDER ::

1. Application is allowed.
2. Legal heirs of deceased claimant No. 2 Jairam Rambhau Gaikwad be brought on record.
3. Other claimants to carry out amendment in original Reference Petition and file the amended copy within 14 days.

Panvel.
Date : 03-05-2025.

(Nayomi P. Pawar)
Civil Judge, Senior Division Panvel.