

LAR No. 24/2022
Narayan. Vs. State & Oth.

COMMON ORDER BELOW EXH. 15 & 16

Read the applications, say and record. Heard. It appears from these two applications that sole claimant Narayan Atmaram Yuvnathe died on date 14.02.2016. Copy of his death certificate is on record. Sarpanch of village Gat Grampanchayat Mokhebardi Tah. Bhiwapur has issued one certificate dtd. 19.11.2018 mentioning therein that Narayan died on date 14.02.2016 leaving behind widow Dwarkabai @ Saraswatabai, daughter Sushila and daughter Malta but Maltabai also died on 28.02.2011 leaving behind two daughters namely Sharda and Jyoti and two sons namely Prabhakar and Madhukar. Dwarkabai died on date 18.05.2022. Copy of her death certificate is on record. Maltabai daughter of Narayan was a married lady. Her name was Maltabai Ramdas Purame. She died on 28.02.2011. Copy of her death certificate is on record. Thus, daughter Sushila and two daughters and two sons of late Maltabai intend to be brought on record as LR. of original claimant Narayan. Therefore, they have filed application (Exh. 15) seeking condonation of delay in moving application (Exh. 16) to bring them on record as LR. of claimant Narayan. Respondents have opposed these applications by submitting that there is huge delay and it has not been explained.

2] In **Abdul Karim Vs. State of Madhya Pradesh, AIR 1964 (MP) 171**, it is observed that reference proceedings under section 18 of Land Acquisition Act, 1894 are not civil proceedings. Therefore, once such reference is filed, finality of the Award made by Land Acquisition Officer stands ceased and the final order which will be passed by the Court to whom the reference is made, is the Award under section 26 of it. Therefore,

such proceedings cannot abate automatically on the death of the person at whose instance reference was made. Even Order 22 of CPC and consequently provisions of Limitation Act are not applicable.

3] Thus, for the forgoing reasons, since the agriculture land of the deceased claimant was acquired, I find that opportunity needs to be given to his LRs. to support their claim and this can be done only if they are brought on record. Therefore, I pass following order.

ORDER

Applications (Exh. 15 & 16) are allowed with no order as to costs.

Umred.
Dated: 28/06/2024.

Sd/-
[S. G. Landge]
Civil Judge Sr. Dn., Umred,
Dist. Nagpur.

Certificate

"I affirm that the contents of this P.D.F. file order are word to word same as per original order".

Name of Stenographer : **Mr. S. K. Awankar**
Stenographer (Gr.II)

Court Name : Civil Judge Senior Division, Umred.