

ORDER BELOW EXH. 14

Read the application, say and record. Heard. Claimant No. 1 Mahadeo died on date 04.12.2012. Application Exh. 16 is filed to bring on record his L.Rs. This application is filed with request to set aside the abatement order. Other side have opposed it on the ground that delay is not 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 C.P.C. and consequently provisions of Limitation Act are not applicable.

3] Thus, for the forgoing reasons, since the reference is seeking enhancement of the compensation for the acquisition of the landed property, I find that opportunity needs to be given to the LR. of deceased claimant to support their claim and this can be done only if delay is condoned. Therefore, I pass following order.

ORDER

Application (Exh.14) is accordingly allowed.

Umred.
Dated: 23/08/2024.

[S. G. Landge]
Civil Judge Sr. Dn., Umred,

ORDER BELOW EXH. 15

Read the application, say and record. Heard. Claimant No. 1 Mahadeo died on date 04.12.2012. This application is filed to condone the delay in moving application Exh. 16 to bring on record L.Rs.. This application is opposed by respondent on the ground that delay is not 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 C.P.C. and consequently provisions of Limitation Act are not applicable.

3] Thus, for the forgoing reasons, since the reference is seeking enhancement of the compensation for the acquisition of the landed property, I find that opportunity needs to be given to the LR. of deceased claimant to support their claim and this can be done only if the delay is condoned. Therefore, I pass following order.

ORDER

Application (Exh.15) is accordingly allowed.

Umred.
Dated: 23/08/2024.

[S. G. Landge]
Civil Judge Sr. Dn., Umred.

ORDER BELOW EXH. 16

Read the application, say and record. Heard. Claimant No. 1 Mahadeo died on date 04.12.2012. Copy of his death certificate is on record. Certificate issued by Gram panchayat shows that Mahadeo died leaving behind one daughter Mayabai Bhaskar Meshram and his son Narayan predeceased him. Death certificate of Narayan is on record, which shows that Narayan died on date 11.10.2020. Certificate issued by Gram Panchayat shows that Narayan died leaving behind three sons, one daughter and widow. Thus, these five L.Rs. of Narayan and one Mayabai, daughter of Mahadeo are sought to be brought on record as L.Rs by this application. Respondents have opposed the application on the ground of delay. However, delay condonation of application Exh. 15 has been allowed.

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 C.P.C. and consequently provisions of Limitation Act are not applicable.

3] Thus, for the forgoing reasons, since the reference is seeking enhancement of the compensation for the acquisition of the landed property, I find that opportunity needs to be given to the LR. of deceased claimant to support their claim and this can be done only if they are

brought on record. Therefore, I pass following order.

ORDER

Application (Exh.16) is accordingly allowed.

Umred.
Dated: 23/08/2024.

[S. G. Landge]
Civil Judge Sr. Dn., Umred.

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 : **Mrs. K. M. Balpande**
Stenographer (Gr.II)

Court Name : Civil Judge Senior Division, Umred.