

LAR No. 207/2008
Baburao Vs. State & Oth.

ORDER BELOW EXH. 17

Read the application, say and record. Heard. Sole claimant Baburao died on 20.09.2010. Copy of his death certificate is on record. He died leaving behind widow Smt. Chandrabhaga and Son Gajanan. However Chandrabhaga died on death 06.08.2017. Copy of her death certificate is on record. Now Gajanan is the only legal heir. Heirship certificate issued by Police Patil of Village Kharada, Ta. Kuhi to that effect, is on record. Application Exh. 17 is filed to bring on record LR's of late Baburao. Other side has opposed the application by submitting that delay in moving the present application is not properly 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] Contents of the application have been solemnly affirmed by Applicant Gajanan. Thus, for the forgoing reasons, since the house property of the deceased claimant was acquired, I find that opportunity needs to be given to his LRs. to support his claim and this can be done only if LR is brought on record. Therefore, I pass following order :-

ORDER

- 1] Son Gajanan be brought on record as LR. of deceased claimant Baburao.
- 2] Application (Exh. 17) is accordingly allowed.

Umred.
Dated: 27.09.2024.

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