

ORDER BELOW EXH. 18

Read the application, say and record. Heard. Claimant No. 1 Shankar died on date 01.11.2017. Copy of his death certificate is on record. Certificate issued by Gram Panchayat is on record. It shows that Shankar died leaving behind son, daughter and widow. Claimant No. 2 Chintaman died on date 14.08.2010. Copy of his death certificate is on record. His wife Saraswata died on date 02.04.1992. Copy of her death certificate is on record. Certificate issued by Police Patil is on record. It shows that Chintaman died leaving behind son Damodhar. Above three L.Rs. of Shankar and Son of Chintaman have filed this application requesting to be brought them on record by condoning delay. Other side has opposed 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 these LR's. to support their claim and this can be done only if delay is condoned and they are

brought on record. Therefore, I pass following order.

ORDER

Application (Exh.18) is accordingly allowed.

Umred.
Dated: 22/08/2024.

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

Court Name : Civil Judge Senior Division, Umred.