

LAR No. 223/2011
Gangaram Vs. State & Oth.

ORDER BELOW EXH. 13

Read the application, say and record. Heard. Sole claimant Gangaram Tulshiram Badan died on date 11.12.2006. Copy of his death certificate is on record. He died leaving behind widow, two sons and two married daughters. Heirship certificate issued by Talathi of village Salaibhatti, Tah. Bhiwapur to that effect, is on record. Photo copies of Aadhar Cards of these L.Rs. are annexed to this application. These L.Rs. have by this application requested to be brought on record as L.Rs. by setting aside abatement order and by condoning the delay. Respondents have 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 one of the L.Rs.. These L.Rs. have signed this application. It is true that there is delay in moving this application. However, for the forgoing reasons, since the house property of the deceased claimant

was acquired, I find that opportunity needs to be given to his LR's. to support their claim and this can be done only if they are brought on record. Therefore, I pass following order :-

ORDER

Application (Exh. 13) is accordingly allowed subject to cost of Rs. 1000/- (Rs. One Thousand Only) to be paid to D.L.S.A., Nagpur.

Umred.
Dated: 26.09.2024.

[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. Kavita M. Balpande**
Stenographer (Gr.II)

Court Name : Civil Judge Senior Division,
Umred.