

MHYA240000022014



ORDER BELOW EXH.-26

1) This is an application filed by the applicants under Order VI Rule 17 of the Code of Civil Procedure (hereinafter referred to as 'C.P.C.') for amendment in petition. (Exh.01) for enhancement of compensation claim amount to Rs.30,60,050/- from Rs.4,60,050/-.

Contents of the application, in brief, as under :-

2) Applicants have filed a reference application for enhancement of compensation of acquired land i.e. Gat no.70/1 of village Chikhalgaon, Tq.Wani, Dist.Yavatmal which has been acquired by State for the purpose of canal construction under Navargaon percolation tank.

3) Applicants further contend that, due to oversight compensation for acquired land came to be claimed at lesser rate although they pleaded in their reference as certain sale transactions have taken place at village Chikhalgaon at quite higher rate than claimed by them. Moreover, they also pleaded at page no.5 of reference petition that, the acquired land was having non-agricultural use i.e. residential plots and that is in Wani Taluka place and the village Chikhalgaon has been merged with Wani town which gives village Chikhalgaon equal significance as that of Wani and taluka places at Wani.

Therefore, applicants wants to claim more rate of compensation for acquired land by way of proposed amendments and intends to make consequent changes in the claim amount per hectare of Rs.25,00,000,-/-.

4) Applicants further contend that, by the proposed amendment, respondents are not taken aback as the applicant has already made pleading in the para regarding some sale transactions having taken place in the village. Further, the amendment does not change the nature of the petition and if it is allowed none of the respondents is going to be prejudiced and if the amendment is not allowed then the applicant who is poor agriculturist and who has become landless, will have to suffer heavy financial loss. Hence, this application.

5) The Ld. AGP has resisted this application vide their overleaf say and contended that, the amendment in claim amount will change nature of the petitioner and it would cause prejudice to the respondent no.1 & 3 and the application is not tenable and therefore it prays to reject it.

6) Heard Ld. Counsels of the parties. Perused entire record.

7) From the above pleadings, following points arise for my determination. I have recorded my findings to those points for the reasons stated there in below.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1)	Whether proposed amendment is necessary for determining real questions in controversy between the parties ?	..No.

- 2) Whether proposed amendment will .. No.
change the nature of the petition ?
- 3) What order ? .. As per final
order.

REASONS

AS TO POINT NOS. 1 to 3 :-

- 8) Admittedly, this land reference is for claim of enhanced compensation and it has been filed under section 18 of the Land Acquisition Act, 1894 for the land acquired in LAC-21/47/2001-02 of village Chikhalgaon.
- 9) The perusal of the record reveals that, this original plaint was filed in December 2014 by the original applicant Ghanshyam Malekar. However, the original applicant died on 16/04/2025 and his legal heirs are prosecuting this reference as they have come on record as per Exh.13 & 14 order.
- 10) The original reference was for the claim of Rs.4,60,050/- and for the acquired 0.20R land of Gat no.70/1 and compensation awarded was Rs.1,99,750/-
- 11) However, the applicants plead that, due to oversight they claim less rate inspite of positive pleading of high sale transactions and non-agricultural use of the acquired land.
- 12) The claim of the parties will hinge on the settled parameters and they have to testify their claim at higher rate by leading evidence and therefore no prejudice would be caused to respondents as they would get fair opportunity to contest it.
- 13) Hence, to avoid the multiplicity of litigation and to enable court to determine real question in controversy between the

parties, the application deserves to be allowed.

14) In view of this discussion, I have recorded findings of point Nos. 1 and 2 accordingly and in answer to point No. 3 following order is passed.

ORDER

- 1)** Application is hereby allowed.
- 2)** The applicants are directed to carry out the proposed amendment in the reference petition within 20 days and to file amended copy.
- 3)** Costs in cause.

Date : 17/07/2026.

(P. S. Jondhale)
Civil Judge (Sr.Dn.),
Wani.