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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 693 OF 2017

WITH

CIVIL APPLICATION NO. 676 OF 2017

INTERIM APPLICATION NO. 2660 OF 2019

IN

SECOND APPEAL NO. 693 OF 2017

Shri. Maruti Lahu Patil

.....Appellant

Vs.

Shri. Ganesh Gharya Patil and ors

.....Respondents

Mr. Sachin Punde advocate for the appellant

Mr. S. S. Patwardhan i/b Nishigandh N. Patil for respondent nos. 1 to 3

CORAM : GAURI GODSE, J.

DATE : 8th OCTOBER 2024

ORDER:

INTERIM APPLICATION NO. 2660 OF 2019:

1. Issue notice to respondents, returnable on 16th December 2024.
2. Learned counsel appearing for respondent nos. 1 to 3 waives notice.
3. In addition to Court notice, learned advocate for the applicant is

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directed to serve the remaining respondents by private notice and file affidavit of service before the next date.

4. This application is for bringing on record names of heirs and legal representatives of appellant no. 2. There is delay in filing the application. Hence, I have issue notice to the respondents.

5. Sine the second appeal is pending for admission since 2017, I have permitted the learned counsel for the appellants to argue the second appeal.

SECOND APPEAL NO. 693 OF 2017:

6. Heard learned counsel for the parties. The second appeal is admitted on the following substantial questions of law:

I. When Award under section 11 of The Land Acquisition Act is in the name of Lahu Patil, whether by referring to CC (CC form) which indicates payment of compensation in the name of predecessor of defendants, the plaintiffs can be denied the benefit under 12.5% scheme of the State Government?

II. Whether the first Appellate Court being the last fact finding Court was required to record clear finding of facts

for not granting declaration as prayed for by the plaintiffs, though the Award in respect of the suit property stands in the name of Lahu Patil who is predecessor in title of the plaintiffs?

III. Whether the reasons recorded by the first Appellate Court to reverse the Trial Court's findings would amount to correct appreciation of pleadings and evidence on record?

7. Learned advocate appearing for respondent nos. 1 to 3 waives notice.

8. In addition to Court notice, learned advocate for the appellant shall serve the remaining respondents by private notice and file affidavit of service.

9. Call for record and proceedings. Printing is dispensed with.

10. Learned advocate for the appellant shall file private paper-book within a period of one year.

CIVIL APPLICATION NO. 676 OF 2017:

11. Learned counsel for the appellant seeks leave to amend the

application.

12. Leave granted. Amendment to be carried out within four weeks with an advance copy to the learned advocate appearing for the respondents.

13. List the civil application on 16th December 2024.

[GAURI GODSE, J.]