

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

LAND ACQUISITION REFERENCE NO. 2 OF 2015

Deputy Collector
(Land Acquisition) No. 7 ...Applicant

vs.

K. U. Ramchandani and 5 Others
and The Commissioner
(Acquiring Body) ...Respondent

**ALONGWITH
LAND ACQUISITION REFERENCE NO. 4 OF 2016**

Deputy Collector
(Land Acquisition) No. 7
Mumbai and Mumbai Suburban
District ...Applicant

vs.

Babulal M. Shah Claimant
and The Commissioner
Municipal Corporation Gr. Mumbai
Acquiring body ...Respondent

Mr. Deepak Shukla i/by Vinod Mistry and Co. - Advocate for the
Claimant in LAR 4 of 2016

Mr. Zain Mookhi a/w Ms. Bijal Gandhi i/by D. M. Legal
Associates - Advocate for the Claimant Nos. 3 to 7 in LAR 2 of
2015

Ms. Sayli Apte a/w Ms. Shreya Shah i/by P. G. Lad i/by Sunil
Sonawane - for Acquiring body

Ms. Uma Palsuledesai - AGP for the State of Maharashtra

CORAM : S. M. MODAK, J.

DATE : 27th SEPTEMBER 2023

P. C. :-

1. Heard learned AGP and learned Advocate for the

acquiring body.

2. This Land acquisition reference is for recovery of the amount of the land acquisition compensation. The Claimants have already adduced evidence and it was recorded before learned Commissioner. When learned AGP expressed her desire to adduce evidence, it is opposed by learned Advocate for the Defendants. According to him, the issue involved is only for the apportionment and there is no need for adducing evidence. It is further submitted that the dispute is resolved amongst the claimants and evidence is given before learned Commissioner.

3. There is total denial on behalf of the Respondents to the claim of the claimants for apportionment as well as settlement of the dispute amongst themselves. In this situation, the Respondents ought to be given an opportunity to adduce evidence. The Respondents are permitted to file affidavit of the evidence. They seek certain time to verify whether they want to rely upon the documents. If they want to rely upon documents, they are at liberty to file it, by supplying copy to the other side.

3. Stand over to **20th October, 2023 FOB.**

[S. M. MODAK, J.]