

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO. 2109 OF 2014
IN
FIRST APPEAL NO. 583 OF 1994***

The State of Maharashtra through
The Spl. Land Acquisition Officer ... Applicant

v/s

M/s. Amichand Raghunath & Co. & ors. ... Respondents

Mr.B.R. Patil, A.G.P. for the applicant State of Maharashtra.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned A.G.P. Mr.Patil for the applicant State. None present for the legal heirs of respondent No.2 though duly served. The learned A.G.P. filed an affidavit of service dated 9 June 2014. Same is taken on record.

2 This civil application is for bringing legal heirs on record of deceased respondent No.2 who died on 27 September 2001.

3 Considering the submissions made by learned A.G.P. for the applicant and averments made in the civil application, I am satisfied that the applicant has made out a case for allowing the civil application.

4 Hence the following order :

O R D E R

(A) Civil application is allowed in terms of prayer clauses (b), (c) and (d), which read thus –

“(b) That this Court be pleased to condone the 12 years and 211 days' delay in preferring above mentioned civil application for bringing legal heirs on record of deceased Respondent No.3.

© That this Hon'ble Court be pleased to set aside the abatement of the above mentioned matter.

(d) That this Hon'ble Court be pleased to allow the applicant to bring legal heirs on record of deceased Respondent No.2 as stated herein above.”

(B) The applicant to carry out appropriate amendment in the First Appeal as well as pending civil application, if any, within eight weeks from today failing which the civil application shall stand dismissed without referring back to the Court.

(C) If appropriate amendment is carried out in the stipulated time as stated above, office is directed to issue notices to the added respondents in First Appeal No.583 of 1994.

(D) In addition to the usual mode of service, applicant State of Maharashtra is directed to serve the added respondents in First Appeal No.583 of 1994 by private notice either by R.P.A.D. or hand delivery and file an affidavit of service to that effect.

(E) Civil application disposed of accordingly.

(K.K.TATED, J.)