

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO.1592 OF 2015

IN

FA ST.NO.10900 OF 2015

Dr. abdul Rashim Abdul Rahim, thr LRs Mohd. Ayud S/o Abdul Rashid and ors

..vs..

The State of Mah. and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri K.S. Narwade, counsel for the applicants.

Mrs. Rashi Deshpande, AGP for NA Nos.1 & 2.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : DECEMBER 8, 2015.

Heard.

Legal heirs of original landowner seek condonation of delay of 320 days in filing the first appeal under Section 54 of the Land Acquisition Act, 1894.

Shri Narwade, learned counsel for the applicants, points out that the reference proceedings under Section 18 were instituted by landowner Dr. Abdul Rashid Abdul Rahim and he expired after delivery of judgment by the Reference Court but before filing of the appeal. The Reference Court found the proceedings belatedly and, therefore, has refused to entertain the same. His legal heirs were not aware of those proceedings and as such there is delay in approaching this Court.

.....2/-

Learned AGP submits that the reasons being pressed into service are not just and sufficient.

We find that the civil application pressed into service by the legal heirs on affidavit has not been rebutted by the respondents. As such the present facts, we do not see any *mala fide* on their part. Therefore, delay is condoned. Office to register the first appeal.

First Appeal St.No.10.900 of 2015

Heard.

This Court has today condoned the delay of 320 days in filing the first appeal. Registry has been asked to register the first appeal.

ADMIT.

Learned AGP waives notice for the respondents.

JUDGE

JUDGE

!! BRW !!

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