

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.527 OF 2014
WITH
CIVIL APPLICATION NO.599 OF 2014
IN
FIRST APPEAL NO.2899 OF 2007**

The State of Maharashtra ... Applicant

Vs.

Damu Rangnath Kumbhar & Ors. ... Respondents

Mr.A.R. Patil, AGP, for the Applicant
None for Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 6th JANUARY, 2016

P.C.:

1. Learned AGP appearing for the State submits that the appeal filed by the Government challenging the award under the Land Acquisition Act was admitted, however, as the paperbook was not filed within the stipulated time, as per the directions given by the Court by order dated 28.1.2008, the appeal was dismissed without reference to the Court. The learned AGP submits that there is a delay in filing the application for restoration of 5 years and 2 months as due to oversight, it was not noticed. However, the paperbook is ready and therefore, he prays that the order dated 28.1.2008 be set aside.

2. In view of the submissions of the learned AGP, and as the appeal is already admitted, in the year 2008, the delay is condoned and the appeal is restored to its original file. The appellant/State to file the paperbook till 30.1.2016. Civil Application No.527 of 2014 stands disposed of accordingly.

3. Civil Application No.599 of 2014 is for brining on record the legal heirs of the deceased respondent No.1 Damu Rangnath Kumbhar. In view of this, issue notice to the respondents, returnable on **3.2.2016**.

(MRIDULA BHATKAR, J.)