

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 CIVIL APPLICATION NO. 10168 OF 2010
IN FAST/17948/2010

THE STATE OF MAHARASHTRA AND ANR
VERSUS
VITHOBA PANDURANG LAKDE DIED THR LRS KACHRU AND ANR

AGP for Applicants : Mr. S.R. Yadav

CORAM : K.K. SONAWANE, J.

DATED : 13th NOVEMBER, 2017.

Order :-

1. Heard learned AGP for the appellant. This Court under order dated 23-09-2013 granted opportunity to the applicant appellant- State to take steps against unserved respondent No. 1. It was ordered that in case steps are not taken, the matter will be dismissed as against unserved respondent. Unfortunately. The applicant State did not take any steps, accordingly proceeding of civil application came to be dismissed against respondent NO. 1 - original Claimant. Only respondent No. 2-Acquiring Body remained in the array of respondents on record to contest the present application.

2. In view of the nature of subject-matter and interest of the Acquiring Body being formal party, there is no propriety to proceed further for condonation of delay. It would be futile efforts. Sufficient opportunity was granted to the applicant-State since 2012 for securing presence of respondent-original claimant, but all efforts found unavailing. In view of the above, application for condonation delay stands dismissed.

Sd/-

**[K. K. SONAWANE]
JUDGE**