

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2888 OF 2002
IN
FIRST APPEAL (ST) No. 11551 of 1996

The State of Maharashtra
(The Special Land Acquisition
Officer, CIDCO Project, Nashik)

.. Appellant

vs.

Punja Bhika Kale and ors.

.. Respondents

Mr. S.S. Hulke, Asst. GP for the Appellant-Applicant.

CORAM : M. S. SONAK, J.

DATE : 04 JANUARY 2017.

P.C. :-

1] The record indicates that respondent No.1 in the appeal has expired on 14 December 2005 and respondent No.3 has expired on 31 December 2012. At least on three occasions, in the past, there is an endorsement made to this effect. Further, there are orders by which time was granted to the State to take steps to set aside the abatement and to bring on record the legal representatives of the deceased respondents. Till date, no steps have been taken.

2] The appeal in this case is relates to the year 1996. The appeal challenges an award made under the Land Acquisition Act. In all probabilities, on account of pendency of the appeal, compensation has not been paid to the claimants whose lands have been compulsorily acquired. The appeal is pending since the year 1996 precisely because the State has failed to take steps to bring on record the legal representatives of the deceased respondents. There is no point in permitting the appeal to proceed against respondent No.2.

This is because there cannot be any contradictory award, once, the appeal against respondent Nos.1 and 3 already stands abated.

3] For the aforesaid reasons, the civil application seeking condonation of delay and consequently, the first appeal itself stand dismissed, *inter alia*, for non-prosecution.

(M. S. SONAK, J.)

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