

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 912 OF 2003
AND
CIVIL APPLICATION NO. 913 OF 2003
IN
FIRST APPEAL (ST) No. 28151 of 1997

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

.. Appellant

vs.

Runja D. Nehare 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] In this case, the record indicates that respondent Nos.1,2 and 4 could not be served, as they were reported to be dead. This was noted some time in the year 2011. Till date, no steps have been taken for setting aside of abatement and to bring on record the legal representatives of the deceased respondents.

2] The appeal in this case is relates to the year 1997. There is delay of almost 363 days in institution of the appeal. The appeal challenges an award made under the Land Acquisition Act. In all probabilities, on account of pendency of the appeal, compensation in respect of their lands which came to be acquired have not been paid to the claimants. 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

proceeding with the appeal. This is because there cannot be any contradictory award, once, the appeal against respondent Nos.1, 2 and 4 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.)

dinesh