

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 6360 OF 1993
IN
FIRST APPEAL (ST) NO. 33881 OF 1991

The State of Maharashtra
(Through the Special Land
Acquisition Officer, Metro
Centre No.1, Panvel)

.. Applicant/Petitioner

vs.

Vishnu K. Joshi and ors.

.. Respondents

Mr. Y.Y. Dabke, Asst. G.P. for the Applicant- State.

CORAM : M. S. SONAK, J.

DATE : 04 JANUARY 2017.

P.C. :-

1] This civil application seeks condonation of delay in instituting first appeal against the award dated 6 July 1991 in Land Acquisition Reference No. 65 of 1986.

2] The matter is pending basically on account of failure/delay on the part of the applicant in taking steps to serve the respondents, who were joint claimants before the reference court. There are several orders made both by this Court as well as the Registrar (Judicial-I) granting time to the applicant to effect service upon the respondents. It appears that the service came to be effected upon respondent No.3, but there was no service upon respondent Nos.1 and 2.

3] Ultimately, the Registrar (Judicial-I), by order dated 12 March 2015 directed the applicant to take steps for service upon respondent Nos.1 and 2, failing which the civil application was to

stand dismissed as against the said respondents. Since, no service was taken, the civil application stands dismissed against respondent Nos.1 and 2 in terms of the order made on 12 March 2015.

4] Thereafter, when the matter taken up before this Court on 13 June 2016, at the request of the applicant-State, four weeks' time was granted to take steps. During this period, the least that was expected was some application for recall of the order, by which this civil application was dismissed as against respondent Nos.1 and 2. Despite such liberty, no steps have been taken. The matter thereafter came up on 11 July 2016, 8 August 2016, 29 August 2016, 1 September 2016 and 26 October 2016. However, on all these dates, there was no report of any steps taken.

5] Since, the civil application already stands dismissed as against respondent Nos.1 and 2, there is no point in proceeding any further with the matter. The appeal against the impugned order, in which, all the respondents were joint claimants, stand dismissed as against respondent Nos.1 and 2. It is not possible at this stage to make any order as against respondent No.3, as otherwise, there is possibility of inconsistency.

6] For the aforesaid reasons, the civil application and consequently, First Appeal (St) No. 33881 of 1991 are hereby dismissed. Any other pending civil applications do not survive and the same are also hereby disposed of.

(M. S. SONAK, J.)