

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.417 OF 2017
IN
FIRST APPEAL (ST) NO.6879 OF 1998
WITH
CIVIL APPLICATION NO.418 OF 2017
IN
FIRST APPEAL (ST) NO.6879 OF 1998
WITH
CIVIL APPLICATION NO.419 OF 2017
IN
FIRST APPEAL (ST) NO.6879 OF 1998**

The State of Maharashtra
(Through the Special Land Acquisition
Officer, Irrigation No.1., Nashik) ..Applicant/Appellant
V/s.

Yeshwant Shankar Thete (Deceased)
Through his Legal Heirs
Tukaram Yeshwant Thete & Ors. ..Respondents

Mr.Y.Y. Dabke, AGP for the Applicant/Appellant.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. The appeal challenge judgment and award dated 27-03-1995. The appeal was instituted in the year 1999 after considerable delay. The application for condonation of delay could not be taken up because there were no effective steps taken by the applicants to serve the unserved respondents. Ultimately, some time

in the year 2010 the notices returned unserved with the remark that the sole respondents have expired. Despite opportunities, no steps were taken. Now, after 8 years and 205 days, this Civil Application seeks to set aside abatement.

2. There is no explanation for inordinate delay of 8 years and 205 days in taking steps to bring on record legal representatives of the deceased sole respondent. Besides, the entire compensation amount awarded in the present case by the Reference Court is Rs.25,036/- this was the amount awarded in the year 1995. At this stage, to permit the legal representatives of the deceased respondent to give on record after condoning the delay of 8 years will not be appropriate. Accordingly, the Civil Application is dismissed consequently the appeal itself is dismissed.

3. In view of the dismissal of the appeal, the Civil Applications do not survive and the same are disposed of.

(M. S. SONAK, J.)