

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 5091 OF 2006
IN
FIRST APPEAL (ST) NO. 16217 OF 2000

The State of Maharashtra (Through The Special
Land Acquisition Officer No. 6) ...Appellant
Versus
Dinkar Mahadev Pasalkar & Ors ...Respondents

Mrs Ashvini Takalkar, AGP, for the Appellant/Applicant-State.

CORAM: G.S. PATEL, J
DATED: 5th July 2017

PC:-

1. Notices to Respondents Nos. 1 and 2 were returned unserved with a remark that both had died. The Appellant filed Civil Application No. 5091 of 2006 to implead the heirs of Respondent No. 1. This Civil Application was dismissed by a conditional order dated 12th September 2011.

2. Given that this Civil Application was dismissed, and it is this Civil Application that sought the impleadment of legal heirs of Respondent No. 1, the State Government would ordinarily need had to file yet another Civil Application to set aside the order of 12th

September 2011 and to restore the present Civil Application. This is altogether too time-consuming, and given that this is the State Government, the matter will consume even more time. Besides, the result is a foregone conclusion. Therefore, I will *suo motu* set aside the order dated 12th September 2011. Abatement, if any, is also set aside.

3. The Civil Application No. 5091 is restored to file and it is taken up forthwith. The Civil Application is made absolute. No costs.

4. The legal heirs of Respondent No. 1 are also be impleaded. Amendment to be carried out within four weeks from today.

5. It is made clear that if these amendments are not carried out within the time stipulated, the Appeal will stand peremptorily dismissed without further reference to the Court. There will be no extension of time to carry out amendments.

6. An authenticated copy of this order be placed before the Registrar (Judicial-I) for monitoring as to compliance.

(G. S. PATEL, J.)