

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

**CIVIL APPLICATION NO. 3731 OF 2016
WITH
CIVIL APPLICATION NO. 3732 OF 2016
IN
FIRST APPEAL NO. 2227 OF 2008**

Shri.Maruti Kashinath Chandanshive
(since deceased) through his legal heirs
Shri. Tukaram M. Chandanshive & Ors.

...Applicants

Versus

The Sub Divisional District Officer,
Solapur Sub Division, Solapur & Anr.

...Respondents

**WITH
CIVIL APPLICATION NO. 3730 OF 2016
WITH
CIVIL APPLICATION NO. 3729 OF 2016
IN
FIRST APPEAL NO. 2356 OF 2008**

Shri.Bhagwan Tatya Dhepe
(since deceased) through his legal heirs
Prakash Bhagvan Dhepe & Ors.

...Applicants

Versus

The Sub Divisional District Officer,
Solapur Sub Division, Solapur & Anr.

...Respondents

WITH
CIVIL APPLICATION NO. 3733 OF 2016
IN
FIRST APPEAL NO. 2312 OF 2008

Shri.Sadashiv Krishna Sakhare
(since deceased) through his legal heirs
Smt. Bhamabai Sadashiv Sakhare & Ors. ...Applicants

Versus

The Sub Divisional District Officer,
Solapur Sub Division, Solapur & Anr. ...Respondents

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Mr.Abhijit P. Kulkarni for the Applicants in all Civil Applications.
Mr. Yogesh Dabke, AGP for Respondent No.1 in all Civil Applications.
Mr.Sunil Gangam a/w. Mr. Jayesh Mestry for Respondent No.2 in all Applications.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATED: OCTOBER 04, 2017

P.C. :

1. Learned counsel for the applicants submits that all First Appeals were admitted by this Court by order dated 30.09.2011. The appellants/applicants could not comply with the direction. By order dated 30.09.2011 passed by this Court, the appellants/applicants were directed to file paper book within a period of one year, failing which the First Appeals shall stand dismissed without further referring to the Court. He further submits that the applicants are from the rural area and illiterate persons. Inadvertently, this direction was not complied

with He further submits that the paper books in all three appeals are ready and, therefore, he prays that all appeals be restored. He further submits that there is a delay of 4 years and 303 days in filing Civil Application Nos. 3731 of 2016, 3730 of 2016 and 3733 of 2016. He prays that the said delay be condoned.

2. Learned counsel for respondent no.2 is present.

3. In view of the above submissions, delay of 4 years and 303 days in filing Civil Application Nos. 3731 of 2016, 3730 of 2016 and 3733 of 2016 is condoned. The orders of dismissal of the First Appeals are set aside. All three appeal are restored to their original files.

4. The paper books are to be filed on or before 31.10.2017.

5. Registry to accept the paper books.

CIVIL APPLICATION NO. 3729 OF 2016

6. Leave to amend the prayers. Amendment is to be carried out on or before 31.10.2017.

7. This application is moved for brining on record the legal heirs of appellant no.1 Bhagwan Tatya Dhepe.

8. Learned counsel for the applicants submits that there is a delay of 6 years and 2 days in filing the Civil Application. He further submits that the appeal is already admitted and therefore, he prays that delay be

condoned. He further submits that the appellant died on 01.08.2010 and this appeal was admitted on 30.09.2011. He further submits that the legal heirs of the appellant are from rural area and they were not aware about the procedure. It is a land acquisition matter from Village Pakani, District- Solapur. He further submits that the appeal be restored and the legal heirs of the appellant i.e. 1A to 1F be brought on record.

9. Learned counsel for the respondents submits to the Orders of this Court.

10. In view of the above submissions, Civil Application is allowed in terms of prayer clause (a) and (b).

CIVIL APPLICATION NO. 3732 OF 2016

11. Leave to amend the prayers. Amendment is to be carried out on or before 31.10.2017.

12. This application is moved for bring on record the legal heirs of appellant no.1 Maruti Kashinath Chandanshive.

13. Learned counsel for the applicants submits that there is a delay of 13 years and 353 days in filing the Civil Application. He further submits that the appeal is not abated. He further submits that the appeal is already admitted and therefore, he prays that the delay be condoned. He further submits that the legal heirs of the appellant are from rural area and they were not aware about the procedure. It is a land acquisition matter from Village Pakani, District- Solapur. He prays that the appeal

be restored and the legal heirs of the appellant i.e. 1A to 1G be brought on record.

14. Learned counsel for the respondents submits to the Orders of this Court.

15. In view of the above submissions, Civil Application is allowed in terms of prayer clause (a) and (b).

(MRIDULA BHATKAR, J.)