

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO. 26170 OF 2017
IN
REJECTED CASE NO. 972 OF 2007

Mahadu Dagdu Sawant & Anr. ...Applicants

IN THE MATTER BETWEEN

Mahadu Dagdu Sawant & Anr. ...Appellants

Versus

The State of Maharashtra
Through AGP, High Court, Mumbai & Ors. ...Respondents

.....

Mr.Gaurav Potnis i/b. Ms. Pallavi Potnis for the Applicants.
Mr.Yogesh Dabke, AGP for the State/Respondents.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 05, 2017

P.C.:

1. This Civil Application is moved for restoration of Civil Application (St.) No. 21947 of 2005 and First Appeal (St.) No. 21943 of 2005, which were dismissed for default by order dated 4th August, 2006 passed by this Court.

2. Learned counsel for the applicants submits that there is a delay of 11 years and 9 days in filing the Civil Application. He prays that the Appeal and the Civil Application be restored and delay be

condoned, as this Appeal can be referred to Lok Adalat, which is scheduled on 9th December, 2017.

3. Learned AGP for the respondents-State submits that this Appeal can be taken before Lok Adalat.

4. On perusal of the record, it appears that this Appeal remained on stamp number i.e. First Appeal (St.) No. 21943 of 2005 and it was dismissed for non-removal of office objections, which were taken by the Registry. This Appeal was dismissed long back.

5. Learned counsel for the applicants submits that he will reconstruct the entire brief and also remove the office objections. He prays that he be allowed to reconstruct the brief.

6. Registry to accept the reconstruct brief.

7. This being an Appeal filed by the applicants/ claimants under the Land Acquisition Act and it can be restored on a condition that the applicants/claimants shall not claim interest during the period from 2006 to 2017 on the amount of compensation, if the amount is enhanced.

8. In view of the above, the order dated 4th August, 2006 of dismissing the First Appeal and Civil Application is hereby recalled. Delay of 11 years and 9 days in filing the Civil Application is

condoned. First Appeal is restored to its original file alongwith Civil Application. The applicants to reconstruct the brief within a period of eight weeks from today.

9. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)