

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CAO NOS.417 AND 418/2018

IN

FA NO.311/2018

Sudhakar s/o Rangrao Kale

..VS..

The State of Mah., thr. the Collector, Amravati and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Mrs. S.P. Kulkarni, Counsel for the applicant.
Shri S.D. Sirpurkar, AGP non-applicant Nos.1 and 2.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2018.

1. Heard learned counsel Mrs. S.P. Kulkarni for the applicant and learned Assistant Government Pleader Shri S.D. Sirpurkar for non-applicant Nos.1 and 2.
2. Shri Sudhakar s/o Rangrao Kale, filed an appeal before this Court challenging judgment and decree dated 25.2.2011 passed by learned Civil Judge Senior Division, Amravati in Land Acquisition Case No.642/1999 whereby the reference petition filed by the applicant was partly allowed. The said appeal was on stamp.
3. On 9.8.2011, the Registrar (J.) granted 14 days time to remove the office objections failing which it was observed that the registration of the appeal shall stand refused. Till 13.9.2011, the office objections were not removed. Therefore, in pursuance to order dated 9.8.2011 passed by the Registrar, the registration of the first appeal was refused.

4. The present applicants have filed application for substituting themselves in place of Sudhakar. The said application is registered as Civil Application No.418/2018. In the said application, it is stated that original applicant Sudhakar expired on 11.8.2015. The present applicants are Sudhakar's wife, sons and married daughters. There is a delay in moving the said application, therefore, Civil Application No.417/2018 for condonation of delay is filed.

5. Though there is a delay, keeping the principle in mind, of the interest of justice, I allow both these applications, as per order below:

ORDER

- i) Civil Application No.417/2018 is allowed. Delay in moving the application for substituting names of the applicants in place of Sudhakar is hereby condoned.
- ii) Civil Application No.418/2018 is hereby allowed and the applicants are permitted to get themselves substituted in place of original applicant Sudhakar.
- iii) The orders passed by the Register on 9.8.2011 and 13.9.2011 are hereby recalled and the first appeal stands restored.
- iv) The civil applications are allowed and disposed of accordingly.

Learned counsel for the applicants submits that he will remove the office objections within a period of 4 weeks from today. The statement is accepted.

JUDGE

!! BRW !!

...../-