

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

**CIVIL APPLICATION NO.2560 OF 2019
IN
FIRST APPEAL (ST.) NO.9580 OF 2019**

Smt. Sakhrubai Shivram Patil (since deceased through legal heirs) Shri Nathuram Shivram Madhavi And Others	...	Applicants
Versus		
Special Land Acquisition Officer	...	Respondent

Mr. Swapnil Mhatre i/b S.S. Kulkarni for the Applicants.
None for the Respondent.

CORAM : K. K. TATED, J.

DATE : 29 JULY 2019

P. C. :

Heard Mr. Swapnil Mhatre, learned Counsel appearing for the Applicants.

2 Learned Counsel for the Applicants submits that the Respondents are duly served. He undertakes to file an affidavit to that effect within one week from today. The statement is accepted. In spite of service, no one appeared on behalf of the Respondents.

3 By this civil application, the Applicants/original claimants
are seeking condonation of delay of 333 days for filing the First
Appeal challenging the judgment and award dated 16 January

2018 passed by Jt. Civil Judge, Senior Division, Alibaug, Raigad in L.A.R. No.527 of 2000.

4 Considering the submissions made by learned Counsel for the Applicants and reasons stated in paragraph-6 of the civil application, I am satisfied that the Applicants have made out a case for condoning the delay in filing the First Appeal. Hence, the following order is passed.

: O R D E R :

- i) The delay in filing the First Appeal is condoned;
- ii) Civil Application stand allowed accordingly;
- iii) No order as to costs.

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5 Not on board. At the request of learned Counsel for the Appellants, the First Appeal is taken on record for urgent orders.

6 Heard Mr. Swapnil Mhatre, learned Counsel for the Appellants. Advocate for the Appellants submits that by this First Appeal, they are challenging the judgment and award dated 16 January 2018, passed by the Jt. Civil Judge, Senior Division, Raigad, in L.A.R. No.527 of 2000, dismissing their entitlement for the compensation in respect of the acquired land.

7 Considering the submissions made by learned Counsel for the Appellants and the impugned judgment and order, I am satisfied that the Appellants have made out a case for following order.

: O R D E R :

- i) Admit;
- ii) Printing of private book is dispensed with;
- iii) The Appellants to file a private paper book within one year from today with a copy thereof to be served upon the Respondents, failing which, the the First Appeal shall stand dismissed without further reference to this Court;
- iv) Registry is directed to call R & P immediately;
- v) The hearing of the First Appeal is expedited.

(K. K. TATED, J.)