

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

**CIVIL APPLICATION NO.1718 OF 2013
IN
FIRST APPEAL NO.708 OF 1995**

The State of Maharashtra
(Through The Special Land
Acquisition Officer)

..Applicant

V/s.

Shri.Ganu B. Bhoir
(Deceased) Thr. Lrs.

1A. Shri.Govardhan Ganu Bhoir & Ors.

.. Respondents

Mr.Yogesh Dabke, AGP for the Applicant.

CORAM : K.K. TATED, J.

DATE : 30th JULY 2019

P.C.

1. Heard Mr.Dabake, learned AGP for the applicant.
2. By this Civil Application, the applicant is seeking permission to bring the legal heirs on record of respondent No.2- Kaluram Bapu Bhoir who died on 17.10.2009.
3. The learned AGP for the applicant submits that when the matter was on board before the learned Registrar for removing office objections, at that time, they learnt that the notice issued to

respondent No.2 returned unserved with bailiff remark "Dead".

4. The learned AGP further submits that, thereafter they called upon the concerned officer to provide the names and addresses of the legal heirs of deceased respondent No.2. He submits that concerned Officer took some time to find out name and addresses of legal heirs of deceased respondent No.2, hence there is a delay in filing the Civil Application. The learned AGP further submits that they have a good chance of success in the present proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to set aside the abatement and condone the delay in preferring the present Civil Application for bringing legal heirs on record of deceased respondent No.2. He submits that if delay is not condoned, irreparable loss will caused to them.

5. Considering the submissions made by the learned AGP for the applicant, averments made in the Civil Application, and as the applicant learnt about the death of respondent No.2 when the matter was on board before the learned Registrar for removal of office objection on 08.05.2012 and 06.07.2012, I am satisfied that the applicant has made out case for allowing the Civil Application, hence the following order.

ORDER

- (i) Abatement is set aside.
- (ii) Delay in filing the Civil Application is condoned.
- (iii) The applicant is permitted to bring the legal heirs on record of dead respondent No.2 in First Appeal No.708 of 1995 along with all pending Civil Applications on or before 31st August 2019, failing which the present Civil Application shall stand dismissed without referring back to the Court.
- (iv) The Civil Application stand disposed of accordingly.
- (v) No order as to costs.

(K.K. TATED, J.)