

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

**CIVIL APPLICATION NO.1720 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. The learned AGP for the applicant submits that all the legal heirs of respondent No.6 are duly served. Statement is accepted.
3. The learned AGP for the applicant submits that by this Civil Application they are seeking condonation of delay in filing the Civil Application for bringing legal heirs on record of deceased

respondent No.6-Smt.Shaniwari Dharma Bhoir who died on 24.05.1999.

4. The learned AGP submits that, when the matter was on board before learned Registrar [Judicial-II(FA)] for removal of office objections on 08.05.2012 and 05.07.2012, that time they learnt about the death of respondent No.6. Hence, they immediately called upon the concerned Officer to provide the names and addresses of the legal heirs of deceased respondent No.6.

5. The learned AGP submits that Deputy Collector (Land Acquisition), Metro Center No.3, Panvel, District-Raigad by his letter dated 12.04.2013 informed to the Office of the Government Pleader, High Court (A.S.), Mumbai that the respondent No.6 has expired on 24.05.1999 along with names of legal heirs. Thereafter immediately they preferred the present Civil Application.

5. The learned AGP submits that for want of knowledge about the death of respondent No.6, it remained on their part to prefer an application for bringing the legal heirs on record in time. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Civil Application. He

submits that, if the delay is not condoned irreparable loss and injury will caused to them. He submits that they have a good chance of success in the present proceeding.

6. Considering the submissions made by the learned AGP for the applicant, averments made in the Civil Application and as they learnt death of respondent No.6 in the year 2012 and thereafter immediately they filed Civil Application, I am satisfied that the applicant has made out case for allowing this Civil Application. Hence, following order:-

ORDER

- (i) Abatement is set aside.
- (ii) Delay in filing the Civil Application is condoned.
- (iii) The applicant is permitted to bring legal heirs on record of deceased respondent No.6 in First Appeal No.708 of 1995 along with all pending Civil Applications on or before 31st August 2019, failing which 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.)