

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

WRIT PETITION NO.1678/2019

Mohd. Azim Moh. Azam and others

..Vs..

State of Maharashtra, through Collector, Amravati

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

Court's or Judge's orders

Shri A.A. Dhawas, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.

DATE : 28.2.2019.

Heard.

The land acquisition reference filed by the petitioners in 1994 was dismissed in default on 9th June, 2004. The petitioners had filed an application R.M.J.C. No.24/2004 praying for restoration of the reference. This application was also dismissed in default in April, 2009. Then the petitioners had filed application under Order IX Rule 9 of the Code of Civil Procedure praying that the application R.M.J.C. No.24/2004 which was dismissed in default in 2009 be restored. This application was filed in 2019. As there was delay, the petitioners had filed application praying for condonation of delay. The application praying for condonation of delay is dismissed by the reference Court observing that the petitioners have not been able to show sufficient cause for the delay.

One of the reason given by the petitioners is that the proceedings could not be attended as the Advocate who had represented the petitioners, died. The

date of death of the Advocate who represented them was not given in the application which was filed before the trial Court. It is not given in the present petition also.

In the above facts, I find that the reference Court has not committed any illegality or error of jurisdiction by dismissing the application filed by the petitioners praying for condonation of delay, and consequently rejecting the application for restoration also. I do not see any reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.