

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9309 OF 2021
IN FIRST APPEAL (ST) NO. 33128 OF 2016

SANTRAM DASHRAT DEOKAR
VERSUS
STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. G.J. Kore
AGP for Respondent – State : Mr. P.K. Kulkarni
....

CORAM : S.G. DIGE, J.
DATE : 23rd June, 2022

ORDER :

- . Heard learned Counsel for the applicant.
2. Learned Counsel for the applicant submits that this Court vide order dated 20.03.2018 directed the appellant/ applicant to supply requisite copies for issuing notice to respondent No.3 within a period of four weeks. In the said order it is further observed that if the applicant / appellant fails to supply the copies within four weeks, the matter shall stand dismissed as against concerned respondents without further reference to the Court.
3. The learned Counsel for the applicant submits that the

applicant has filed two appeals in respect of same lands in question. Inadvertently, applicant could not supply the copies in this matter, hence, requested to condone the delay for filing this application as well as allow the application to submit requisite copies before this Court. It is further submitted that, the said copies are ready.

4. Learned Assistant Government Pleader strongly objected for allowing the application. The applicant has preferred the appeal against the respondents. Respondent No.3 is acquiring body, who is the contesting respondent. The applicant has not supplied the copies as per order of this Court, hence, appeal against respondent No.3 is dismissed. If the appeal against respondent no.3 is dismissed, then appeal against other respondents has become infructuous. By this appeal appellants are praying for enhancement of compensation awarded by the reference Court.

5. In my view and in the interest of justice, applicant has to be given last chance to proceed with the appeal. Hence, I

pass following order :

ORDER

- a) Civil Application is allowed.
- b) Delay caused in filing this application is condoned.
- c) Applicant is permitted to supply the copies within ten (10) days from today.
- d) If applicant fails to supply the copy within ten (10) days, the appeal against concerned respondent shall stand dismissed.
- e) If the applicant furnished the copies within stipulated period, issue notice to the respondent No.3 in Civil Application No. 2617 of 2017, returnable on 29th August, 2022.
- f) Civil Application is disposed of accordingly.

**[S.G. DIGE]
JUDGE**