

Monday, 7th March, 2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1123 OF 2022

IN

FIRST APPEAL NO. 855 OF 2005

ALONGWITH

INTERIM APPLICATION NO. 1124 OF 2022

IN

FIRST APPEAL NO. 855 OF 2005

THE STATE OF MAHARASHTRA, (THR.)

THE SPECIAL LAND ACQUISITION

OFFICER

} APPLICANTS

V/S.

MARUTI HANUMANT KALE (DEAD)

THR. THEIR L.R.S. TARABAI

MARUTI KALE (DEAD) AND ORS. } RESPONDENTS

*** * * ***

Mr. A.R. Patil, AGP for State-applicant.

**Ms. Urvi Maru i/by. Mr. P.H. Potnis, Advocate for the
respondents.**

Coram : Sandeep K. Shinde, J.

Monday, 7th March, 2022.

P.C. :

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1) By self-operative order dated 18th February, 2020 passed by the Registrar (Judl-II), appeal was dismissed and abated against respondent no.1, for not following procedure contemplated under Order 22 Rule 4 of the Civil Procedure Code. In the year 2021-22, State has filed Interim Application No.1124 of 2022 to implead the legal representatives of the deceased respondent. In that view of the matter and for the reasons stated in the application, the order abating the Appeal, against the deceased respondent is set aside. Both the applications are allowed and disposed of.

2) is set aside. The delay caused in preferring the application seeking to set aside the order of abatement is condoned and the application to bring the legal representatives on record by condoning the delay of 5 years and 26 days, is allowed. Both the applications are allowed and disposed of.

3) Consequential amendments to be carried out within two weeks.