

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

**CIVIL APPLICATION NO.5515 OF 1993
AND
CIVIL APPLICATION NO.2963 OF 2008
AND
CIVIL APPLICATION NO.4860 OF 2007
IN
FIRST APPEAL (STAMP) NO.15986 OF 1992
WITH
FIRST APPEAL (STAMP) NO.15986 OF 1992**

The State of Maharashtra ...Appellant

Versus

Vishnu Saradhya Veta since deceased
through LRs-

1(a) Tulshibai Vishnu Veta and Ors. ...Respondents

...

Ms Tanya Goswami, AGP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JUNE, 2022.

P. C. :-

1. The Appellant-State has filed an appeal under Section 53 of the Land Acquisition Act, 1894 along with an application for condonation of delay.

2. During the pendency of the appeal, Respondent Nos.2 (d)i and 3 expired and Applications have been filed for condonation of delay, setting aside abatement and to bring on record the legal

representatives of deceased Respondent Nos.2 and 3. As per the office remarks notices issued to Respondent Nos.2d(i)c, 2d(i)d and 2d(vii) are returned unserved. Since no steps were taken to serve these proposed legal representatives, the application stands dismissed as against Respondent Nos.2d(i) c, 2d(i)d and 2(d)(vii).

3. The records also reveal that no steps have been taken to serve the proposed legal representatives of Respondent No.3. Since the appeal is dismissed/abated as against Respondent Nos.2d(i)c, 2d(i)d and 2(d)(vii) the appeal abates as a whole as otherwise it will lead to inconsistent orders which is not permissible in law.

4. Reference is of the year 1988 and the impugned judgment is of the year 1992. The compensation determined by the Reference Court is Rs.15,000/-. Considering these aspects, on 15/06/2022 learned AGP was directed to seek necessary instructions whether the case is covered under the Government Resolution dated 03/11/2016. Learned AGP has placed on record copy of letter dated 16/06/2022 whereby she had sought necessary instructions from the Deputy Collector (Land Acquisition), Metro Centre-3, Thane. She states that she has not received any instructions in this regard.

5. It appears that the State is not interested in pursuing the matter. Even otherwise, the amount determined by the Reference Court is meager. Considering all the above facts and circumstances, I am not inclined to condone the delay and /or to admit the appeal. Hence, the application for condonation of delay is rejected. The appeal stands dismissed.

6. In view of above, Interim / Civil Application (s), if any, stand (s) disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)