

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4189 OF 2021

IN

FIRST APPEAL NO. 379 OF 2001

THE STATE OF MAHARASHTRA } APPLICANT

(ORIG. OPPONENT)

V/S.

1. NIMBA VEDU AHER PATIL

(SINCE DECEASED THROUGH

HIS LEGAL HEIRS)

AND ORS.

} RESPONDENTS

(ORIG. CLAIMANTS)

* * * *

Ms. Pallavi Dabholkar, Advocate for the applicant-State.

Coram : Sandeep K. Shinde, J.

Tuesday, 29th March, 2022.

P.C. :

1) In Land Acquisition Reference No. 456/1990, the Reference Court vide judgment and Award dated 20th November, 1997 directed the State to pay enhanced compensation of Rs.24,068/- alongwith consequential benefits. Feeling aggrieved by the said Award, the State

has preferred First Appeal No. 379/2001. The Appeal was admitted on 2nd August, 2001 and notices were issued to the respondents. The notices were returned unserved with remark "dead". The mutation entry no.1344 shows that the sole respondent had expired on 22nd April, 1999. As such, when the Appeal was admitted, the respondent was dead. The State has moved this Application in February, 2020 to bring the legal representatives of the deceased respondent on record with a prayer that, order abetting the Appeal may be set aside, by condoning the delay of 21 years and 196 days. In consideration of the facts of the case and having regard to the reasons cited in the application, in my view, sufficient cause has not been shown, to condone the delay of twenty one years. Even otherwise, the Reference Court had enhanced the compensation by Rs.24,068/-. For all that reasons, the application deserves no consideration. It is rejected.

NEETA
SHAILESH
SAWANT

(Sandeep K. Shinde, J.)