

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3519 OF 2015
IN
FIRST APPEAL NO. 1247 OF 1988

HIRALAL D. KARNAVAT @ MARWADI
(DEATH) TH. LR'S MANEKLAL
KARNAVAT (DECEASED) THR. LR'S
MADANLAL H. KARNAV & ORS. } APPLICANTS

V/S.

THE STATE OF MAHARASHTRA
AND ORS. } RESPONDENTS

* * * *

Mr. Mangal Bhandari i/by. Ms. Pranjali Bhandari,
Advocate for the applicant in CAF-3519-2015.

Mr. Milind M. Sathaye, Advocate for respondents no.4B(1)
to 4B(4).

Mr. Tanya Goswami, AGP for respondents no.1 and 2.

Coram : Sandeep K. Shinde, J.
(through Video Conference).

Tuesday, 8th February, 2022.

P.C. :

1) Heard Mr. Bhandari, learned Counsel for the
applicant and Mr. Sathaye, learned Counsel for
respondents no.4B(1) to 4B(4) and Ms. Goswami,
Assistant Government Pleader for the State.

2) This application seeks restoration of First Appeal No.1247/1988 which was dismissed in default.

3) First Appeal essentially challenges the Award apportioning the compensation awarded in L.A.R. No.148/1978. Pending Appeal, issue relating to 'tenancy' qua acquired land was pending before the revenue authorities. Presently, it is pending in Writ Petition No. 5851/2016. For this reason, the First Appeal was directed to be removed from the final hearing board. However, this order was not brought to the notice of Court which dismissed the Appeal. In consideration of these facts, the order dismissing the appeal is recalled, and Appeal is restored to file.

4) In consideration of the aforesaid facts, it would be appropriate if the First Appeal No.1247/1988 and Writ Petition No. 5851/2016 are heard together.

5) Civil Application is allowed in terms of prayer clauses (a), (b) and (c). Civil Application is disposed of in the aforesaid terms.

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(Sandeep K. Shinde, J.)