

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 8379 OF 2023
IN FIRST APPEAL NO. 1065 OF 2007

VINAYAK VITTHALRAO KULKARNI DIED THR LRS
DHANANJAY V.KULKARNI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD

...
Mr. A.D. Gadekar – Advocate for Applicants
Mr. S.N. Kendre – AGP for Respondent, State
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th July, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking permission to carry out the amendment in their First Appeal as per order dated 08.04.2014 and 01.10.2015 in the respective Civil Applications.
3. Learned Counsel for the applicants submits that, despite passing the aforesaid orders the applicants could not carry out the amendment only because of they were residing at

distant places.

4. Learned A.G.P. strongly opposed the application on the ground that, the applicants are negligent since beginning. Surprising to note that, despite the orders of amendment as mentioned above were passed long back, the applicants did not take diligent steps and after about 8 – 9 years they are coming before this Court for carrying out the amendment. This approach of the applicants is most negligent.

5. However, considering the statutory right of the appellants of filing appeal some leniency must be shown. Needless to say certain costs needs to be imposed upon them with stoppage of interest.

6. In view of the same, the application stands allowed in terms of prayer clause 'B' subject to deposit of cost of Rs.5,000/- to the Government Pleaders' Library within a period of two weeks. Further, the applicants shall also not claim any interest on the enhanced compensation, if granted from 08.04.2014 till today.

7. The amendment be carried out after deposit of cost within a period of two weeks.

8. List the First Appeal on 8th August, 2023.

[SANDIPKUMAR C. MORE]
JUDGE