

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

**CIVIL APPLICATION NO. 4059 OF 2002
IN
FIRST APPEAL NO. 21 OF 1999**

The State of Maharashtra Applicant/Appellant
Versus
Waman Valu Padher (deceased) Thr. LRs. Respondents
And Ors.

**SNEHA
NITIN
CHAVAN**

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Ms. Tanaya Goswami, AGP for the Applicant/State.
Ms. Gunjan Shah i/b P.B. Shah for the Respondent.

**CORAM : M.M.SATHAYE, J.
DATE : 21th DECEMBER 2023**

PC. :

1. This is an application by the State for bringing legal heirs of deceased Respondent No.2 (Thakubai w/o Walu Padher) on record. There is stated delay of 11 years and 265 days in filing the application. Learned counsel for the Respondents is also appearing for the proposed legal heirs of deceased Respondent No.2, who has readily consented for condonation.

2. It is the case of the State that it learnt about the death of Respondent No.2 when the notice issued in the appeal was returned with bailiff remark as 'dead'. It is submitted that after correspondence with concerned office of the SLAO, the necessary

details of proposed legal heirs was obtained some time in June 2001 and this application is immediately filed in August, 2001.

3. Considering that the appeal is arising out of land acquisition and question is of payment of compensation and further considering that the State has applied for bringing legal heirs and has prayed for condonation of delay, sufficient cause is made out.

4. Hence, this civil application is allowed in terms of prayer clauses (a) to (d). Delay is condoned. Applicant/State is permitted to bring legal heirs of deceased Respondent No.2 on record of the above appeal. Necessary amendment be carried out within a period of three weeks from today.

5. Civil Application is disposed of. All the parties to act on duly authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]