

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 107 OF 2019
IN
REJECTED CASE NO. 926 OF 2012

Vithu Laxman Mhatre ...Applicant
Versus
The Special Land Acquisition Officer ...Respondent

Mr. Sagar Redkar i/by Mr. D.N. Salvi Advocate for Applicant.
Ms. Tanaya Goswami, AGP for Respondent/State.

CORAM : M.M. SATHAYE, J.

DATE : 29th NOVEMBER, 2023

P.C. :

1. This is an Application by Original Appellant/Claimant for restoration of Civil Application No. 2830 of 2008 along with First Appeal (ST) No. 12474 of 2008, which were dismissed for non payment of 'Bhatta Charges' under Conditional Order dated 26.09.2008, which was apparently passed in a group of matters.

2. Heard learned Counsel for the Applicant and learned AGP for the Respondent/State. Learned AGP opposed the present Application. However from the record it appears that no reply is filed till date.

3. Learned Counsel for the Applicant has invited this

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Court's attention to the 'case-status print out' of the present matter which apparently shows that on the official website of High Court, the present matter was being shown as pending with its last date as 06.10.2010. He further pointed out that in the year 2012 the present matter was treated as Rejected Case No. 926 of 2012 because the Conditional Order dated 26.09.2008 was not complied. He submitted that after getting knowledge of this dismissal, the present Application for Restoration and delay condonation is filed in March, 2013 and therefore there is technical delay of 4 years and 111 days.

4. Indeed the matter was shown as pending in the year 2010 and the matter is treated as rejected case in the year 2012, which is apparent from the Annexures to the Civil Application. The Appeal is dismissed on technical ground for non payment of Bhatta Charges.

5. Considering the aforesaid facts and circumstances and reasons stated in the Civil Application, in my view, sufficient cause is made out for restoration of the matter. Hence this Application is allowed in terms of prayer clause (a) and (b). Delay is condoned. Civil Application No. 2830 of 2008 & First Appeal (ST) No. 12474 of 2008 are restored to file. Civil Application is disposed of in the aforesaid terms.

6. Place the Civil Application No. 2830 of 2008 & First Appeal (ST) No. 12474 of 2008 for further orders on 06.12.2023.

7. Office note shows that due to lapse of time, the papers in the present proceedings are destructed from record department. In

that view of the matter, the Applicant is permitted to reconstruct both his delay condonation application - Civil Application No. 2830 of 2008 as well as First Appeal (ST) No. 12474 of 2008. Let the reconstruction exercise be completed before the next date i.e. 06.12.2023.

8. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)