

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1374 OF 2022

WITH

INTERIM APPLICATION NO. 1375 OF 2022

WITH

INTERIM APPLICATION NO. 1376 OF 2022

IN

FIRST APPEAL NO. 859 OF 2005

WITH

FIRST APPEAL NO. 859 OF 2005

YUGANDHARA
SHARAD
PATIL

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The State of Maharashtra, through the Special
Land Acquisition Officer No. 8, Chaskaman Irri-
gation Project, Pune.

...Applicant/
Appellant

Versus

Pralhad Sadashiv Kulkarni (deceased) through
Legal heirs Sushila Pralhad Kulkarni (deceased)
through their legal heirs already on record and
Ors.

...Respondents

Ms. Tanaya Goswami, AGP for the Applicant/Appellant.

Mr. Abhijit Singh i/b Ms. Pallavi Potnis, Advocate for the Respondent
Nos. 2 to 6.

CORAM: M.M.SATHAYE J.

DATE : 12th DECEMBER, 2023

PC. :

IA 1374/2022 WITH 1375/2022

1. Heard learned AGP for the Applicant/State. These

applications are filed for restoration of above First Appeal which is dismissed for not taking steps after death of Respondent No. 1 and for deleting the name of Respondent No.1 from the record of the Appeal because her legal heirs are already on record as Respondent Nos. 2 to 6. In these Applications apparently, there is delay in filing the Applications. So far as prayer of deletion of Respondent No. 1 and restoration of Appeal which is dismissed under conditional order dated 18.02.2020 are concerned. These aspects are connected and fairly speaking, only technical, because legal heirs of Respondent No. 1 are already on record in their personal capacity as Respondent Nos. 2 to 6 and as such delay is also technical. Respondent Nos. 2 to 6 are represented through their advocate, who is present and heard.

2. In that view of the matter and considering the averments in the Application, sufficient cause is made out.

3. IA No. 1374/2022 and IA No. 1375/2022 are allowed. Delay in filing these Applications are condoned. Abatement of the Appeal vis-a-vis Respondent No.1 is set aside. Respondent Nos. 2 to 6 (who are already on record) are directed to be treated as legal heirs of Respondent No. 1. Both these applications are allowed and disposed of accordingly.

4. Necessary amendment be carried out within a period of 3 weeks from today. All concerned to act on duly authenticated or digitally signed copy of this order.

IA No. 1376/2022

1. Heard learned AGP for the Applicant/State. This Application is filed for bringing the legal heirs of deceased Respondent No. 3 on record of the above Appeal. There is delay in filing this Application.
2. The proposed legal heirs of Respondent No. 3 (as stated in paragraph no. 4) is represented through a lawyer today who is heard and who has fairly submitted to the Orders of the Court.
3. Considering the averments in the Application and the fact that matter is arising out of Land Acquisition Act for compensation towards compulsory acquisition of land, sufficient cause is made out. This Application is allowed in terms of prayer clauses (b) to (e). Delay is condoned. The Applicant-State is permitted to bring legal heirs of Respondent No. 3 on record.
4. Necessary amendment be carried out within a period of 3 weeks from today. All concerned to act on duly authenticated or digitally signed copy of this order.

In FA No. 859 of 2005

- . Place the First Appeal on board on 23.01.2024.

[M.M.SATHAYE,J.]