

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 85 OF 2023
IN /WITH
FIRST APPEAL (ST) NO. 15811 OF 2010

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Prakhash Shankarrao Surywanshi-Through his ...Applicants/
Power of Attorney Holder Ranjit Prakash Appellants
Suryawanshi and Ors.

Versus

The State Of Maharashtra Thr. The Land ...Respondent
Acquisition Officer No. 6 Pune.

Adv. P. H. Potnis Advocate for Applicant.

Mr. Tanaya Goswami, AGP for Respondent/State.

CORAM : M.M. SATHAYE, J.

DATE : 5th DECEMBER, 2023

P.C. :

IN CIVIL APPLICATION NO. 85 OF 2023

1. Heard learned Counsel for the Applicants and learned AGP for the Respondent/State.

2. This is an Application for condonation of delay of 1295 days in filing the above Appeal. Learned Counsel for the Applicants submitted that the State has already filed First Appeal No. 80 of 2021 challenging the same present impugned Judgment and Order dated

26.06.2006 passed in Land Reference No. 25 of 1992. This position is not disputed by the learned AGP. It appears from record that the said First Appeal of the State is already admitted and is pending for final disposal.

3. Since the State's appeal challenging the same present impugned Judgment and Order, is already admitted, it is necessary to give opportunity to the present Applicants/Claimants also to prosecute a substantive First Appeal under Section 54 of the Land Acquisition Act, 1894.

4. In the aforesaid facts and circumstances and considering the averments made in the Application, sufficient cause is made out. Hence this Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Let the Appeal be numbered.

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

IN FIRST APPEAL (ST) NO. 15811 OF 2010

1. By a separate Order passed today, delay in filing this appeal is condoned. Since the companion Appeal filed by the State (FA No. 80/2021) challenging the same present impugned Judgment and Order, is admitted, this Appeal also needs to be admitted.\

2. Hence Admit. Call for Record and Proceedings, if not already called in the companion Appeal. Place this matter along with

First Appeal No. 80 of 2021.

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

(M.M. SATHAYE, J.)