

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

**CIVIL APPLICATION NO. 197 OF 2021
IN
FIRST APPEAL NO. 45 OF 1995**

The State of Maharashtra
(Through the Special Land Acquisition
Officer, Metro Centre No. 1, Thane ... Applicant.

V/s.

Shri. Bapu Ragho Patil and Smt.
Meerabai Bapu Patil, Wife (Both the
deceased through their six legal heirs) ... Respondents.

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Ms Tanaya Goswami, AGP for the Applicant.
None for the Respondents.

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 06 SEPTEMBER 2023.

P.C. :

1 This civil application has been filed to bring the legal heirs of sole Respondent and his wife on record. The first appeal is filed by the Applicant- State. The first appeal has been admitted by this Court on 06 April 1995. It is submitted by the learned AGP for the Applicant-State that the matter was listed on board before the National Lok Adalat on 22 April 2018 for settlement of the dispute between the parties. In the consent terms before the National Lok

Adalat, the legal representatives of the sole Respondent have put their signatures. It was then the Applicant got the knowledge about the death of sole Respondent on 23 November 2005 and his wife's death on 17 April 2012.

2 Upon coming to know about the death of the sole Respondent and his wife, this Court had directed the State to take necessary steps by order dated 22 April 2018. Accordingly, the Applicant-State has filed the present application for bringing the legal heirs and representatives of both the deceased according to their names and description mentioned in the consent terms. However, in preferring the present civil application there is a delay of 9 years and 11 days. It is the case of the Applicant that only when the matter was placed before the Lok Adalat, the Applicant got the knowledge about the death of the sole Respondent and his wife. It is only on account of want of knowledge the delay in preferring the present civil application has been caused. Therefore, it is prayed that the legal heirs may kindly be allowed to be brought on record in the interest of justice.

3 Considering the case made out by the Applicant-State and the reasons mentioned in the application, the delay of 9 years and 11 days in preferring the present civil application for bringing the

legal heirs on record is, hereby, condoned. The abatement as against the sole Respondent is set aside. The Applicant-State is allowed to bring the legal heirs of the sole Respondent and his wife on record.

4 Civil Application is, accordingly, disposed of.

(MANJUSHA DESHPANDE, J.)