

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11575 OF 2024
IN
FIRST APPEAL NO. 599 OF 2005

Chandrakant Venunath Sakhare since deceased ...Applicants
through his LRs. And Ors.

Versus

State of Maharashtra ...Respondent

Mr. Shrishail Sakhare for the Applicants.
Mr. A.R. Patil, Addl. G.P for Respondent/State.

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CORAM : M.M. SATHAYE, J.

DATE : 25th OCTOBER, 2024

P.C. :

1. Heard learned counsel for the Applicants and learned Addl.
G.P for Respondent/State.

2. This is an application for restoration of the First Appeal,
which was dismissed under Order dated 02.03.2006, for non filing of
private paper book within stipulated time that expired on 02.03.2007.
Apparently, there is large delay in filing the application. Learned
counsel for the Applicant invited this Court's attention to the Order
dated 23.11.2007 by which this Court has thereafter permitted the legal
heirs of the Appellant to be brought on record. He submitted that the
matter is arising out of Land Acquisition Reference and the appeal is

filed for enhancement of the compensation. The Applicants are widow, sons and daughters of the original Appellant. It is submitted that their Advocate had asked the deceased/Appellant to get all certified copy of the Trial Court's record for preparation of paper book. However, the same could not be obtained owing to health condition of the deceased/Appellant. It is further urged that the deceased Appellant was looking after Court's work till his death and his both sons were minor at the time of death. The daughters were residing at the matrimonial house and did not have necessary knowledge and information. In short, it is submitted that the delay in filing the application was due to circumstances beyond the control of the Applicants.

3. In the aforesaid facts and circumstances and considering that no reply is filed till date opposing the application, this application is allowed, delay is condoned and the Appeal is restored, on condition that the Applicants shall file necessary private paper book within a period of 3 months from today.

4. It is clarified that if the paper book is not filed within the stipulated time provided above, the Appeal shall stand dismissed without reference to the Court.

(M.M. SATHAYE, J.)