



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.16601 OF 2023
IN
WRIT PETITION (ST) NO.4441 OF 2022
WITH
WRIT PETITION (ST) NO.4441 OF 2022

Vijay Gajanan Bhokare & Ors.	...Applicants
In the Matter Between:	
Vijay Gajanan Bhokare & Ors.	...Petitioners
<i>Versus</i>	
Indubai Shankar Nalawade, Deceased through LRs & Ors.	...Respondents

Mr. Padmanabh D. Pise, *for the Applicants/Petitioners.*
Mr. Pramod Kathane, *for the Respondent No.1.*
Mrs. V. S. Nimbalkar, AGP, *for the Respondents No.2 to 4-State.*

CORAM Dr. Neela Gokhale, J.
DATED: 11th July 2024
 (In Chamber at 5:00 pm.)

PC:-

1. By order dated 4th May 2023, this Court passed a consent order requesting the District Superintendent of Land Record (DSLRL) to decide the Application made by the Respondent No.1 for

condonation of delay for filing Appeal No.1749 of 2015 afresh and on merits within the period specified in that order.

2. At the time of passing that order however none of the parties were aware of the fact that the DSLR, by his order dated 13th June 2022 had already disposed of the main Appeal No.1749 of 2015 which was pending before him. Hence, the parties did not bring the said order to this Court's notice and it is in these circumstances that, the order dated 4th May 2023 was passed. The Applicants/Petitioners have thus filed the present Interim Application seeking modification of the order dated 4th May 2023 in view of the said development.

3. I have heard Mr. Padmanabha Pise, learned Advocate for the Applicants, Mr. Pramod Kathane, learned Advocate for Respondent No.1 and Mrs. Nimbalkar, learned AGP for Respondents-State and peruse the record.

4. Since the DSLR has already disposed of the main appeal No.1749 of 2015 itself, the present Petition and the Interim Application have now become infructuous. The order dated 4th May 2023 is thus recalled.

5. Mr. Padmanabh Pise, learned Advocate for the Applicants states that the Applicants being aggrieved by the order dated 13th June 2022 have already preferred an Appeal before the DDLR, Pune. Mr. Kathane, learned counsel for the Respondent No.1 states on instruction that he will appear before the DDLR and concur with

the prayer of the Petitioners before the DDLR to remand the matter to the DSLR to decide the application for condonation of delay. I have not dealt with the matter on merits and the DSLR shall decide the matter without being influenced by the contents of this order.

6. The Application and the Petition are accordingly disposed of.

(Dr. Neela Gokhale, J)