

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1258 OF 2024
IN
FIRST APPEAL (ST) NO. 140 OF 2022

The Acquiring body, MKDVC, Nira ... Appellants/Applicants
Deoghar Irrigation Project through
SDO/Executive Engineer, Pune

V/s.

Dhondiba Sakharam Sane ... Respondents
(deceased) through Lrs. 1.1 Raghuji
Dhondiba Sane and Ors.

WITH
INTERIM APPLICATION NO.1259 OF 2024
IN
FIRST APPEAL (ST) NO. 154 OF 2022

The Acquiring body, MKDVC, Nira ... Appellants/Applicants
Deoghar Irrigation Project through
SDO/Executive Engineer, Pune

V/s.

Dinkar Krishna Gadekar ... Respondent

WITH
INTERIM APPLICATION NO.1260 OF 2024
IN
FIRST APPEAL (ST) NO. 169 OF 2022

WITH
INTERIM APPLICATION NO. 1261 OF 2024
IN
FIRST APPEAL (ST) NO. 120 OF 2022

The Acquiring body, MKDVC, Nira ... Appellants/Applicants
Deoghar Irrigation Project through
SDO/Executive Engineer, Pune

V/s.

Shivram Sakharam Parte. ... Respondent

Mr. Ashish Gabhale with Mr. Swaraj Subhash A. Patil, i/by Jay and Co.
for the appellant.

Ms. Amrita Kharkar I.by M.H. Potnis, for the respondents.

Mr. A.R. Patil, for the State.

CORAM : KISHORE C. SANT, J.

DATE : 5TH FEBRUARY, 2024.

PC:

1. All these applications are filed seeking restoration of the first appeals which were dismissed by this Court vide order dated 12th June 2023. In the order dated 12th June 2023, it was observed that nobody appeared for the appellant/acquiring body. When the matter was adjourned and that time the same was dismissed by recording earlier order dated 27th February 2023. Respondents have appeared on instructions a notice given by the applicant. The applications are vehemently opposed stating that no steps were taken in the appeal for long time. This Court had granted several chances to the applicants. Since no one appeared on several occasions, this Court was

constrained to pass the order of dismissal. The applications deserve to be dismissed.

2. Learned advocate for the appellants however, points out that the appellant maintains a panel of advocates. The said panel is changed. The earlier advocate who had filed the appeal was not continued on the panel. It is for this reason earlier advocate had returned all the papers to the office of the applicant. Inadvertently, the same could not be noticed and therefore, sometime is taken to notice the order and position of the matter.

3. Considering the above, this Court finds that the applications need to be allowed. The applications are allowed, subject to condition that the applicant shall deposit in the Court the amount along with interest as per the award passed by the reference court within eight weeks from today.

4. Stand over to 1st April 2024.

(KISHORE C. SANT, J)