

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4262 OF 2021
IN
FIRST APPEAL NO. 779 OF 2001

The State of Maharashtra ... Applicant/Appellant
V/s.

Ganpat Sakharam Mali and Ors. ... Respondents

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

CORAM : KISHORE C. SANT, J.

DATE : 11TH JANUARY 2024.

PC:

1. This application is filed by the applicant for restoration and issuing fresh notices to Respondent Nos. 1 and 2 by setting aside the order dated 29th January 2020 passed by the Registrar – Judicial (II) and to condone the delay, if any caused in filing of appeal.

2. Registrar – Judicial (II) of this Court by order dated 10th December 2019 had granted last chance to take steps as against unserved Respondent Nos. 1 and 2. It is seen that no steps were taken as per the order dated 29th January 2020, the appeal therefore, came to be dismissed against unserved Respondent Nos. 1 and 2. The applicant further stated that since the Respondent Nos. 1 and 2 have not removed office objections within stipulated time, the present appeal will stand dismissed as against the unserved Respondent Nos. 1

and 2. By communication dated 20th January 2020, the Deputy Collector (Land Acquisition) communicated the addresses of Respondent Nos. 1 and 2. Since addresses were not available no effective steps could be taken to serve fresh notices. Now addresses are made available, it is prayed that fresh notice be issued to Respondent Nos. 1 and 2.

3. Considering the application and the reasons stated therein, this Court finds it is in the interest of justice to set aside the order dated 29th January 2020 and to send fresh notices to Respondent Nos. 1 and 2. Hence, the following order:

ORDER

- i) Interim Application stands allowed and is disposed of accordingly.
- ii) Impugned order dated 29th January 2020 is hereby quashed and set aside.
- iii) Office to issue fresh notices in appeal to the Respondent Nos. 1 and 2 on the addresses shown in Paragraph No.5 of the application, notice returnable on 8th February 2024.
- iv) First Appeal be restored as against Respondent Nos. 1 and 2.

(KISHORE C. SANT, J)