

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

**INTERIM APPLICATION NO. 14400 OF 2024
IN
CIVIL APPLICATION NO. 01 OF 2020
IN
LETTERS PATENT APPEAL NO. 12 OF 2017
IN
WRIT PETITION NO. 5202 OF 2000**

The Dy. Director,
(presently known as the Divisional
Forest Officer) Social Forestry
Division, Pune. .. Applicant

In the matter of:

The Principal Chief Conservator of
Forest and Director General Social
Forestry, M.S. Pune and Anr. .. Petitioners

Versus

Vijay Jagannath Bhosle .. Respondent

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Mr. B.V. Samant, Addl.G.P., a/w M. S. Bane, AGP, for the State.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 11th NOVEMBER, 2024**

P.C:-

1. Being aggrieved by the order dismissing the Letters Patent Appeal on 07.09.2021, the Interim Application seeking its restoration alongwith a prayer for condonation of delay is listed before us.

2. The Applicant has submitted that the death of the Respondent came to the knowledge of the Applicant on 21.12.2016, when the service report from the Range Forest Officer, Indapur was called for. When the matter was listed for hearing before the Court on 18.12.2017, a request was made by the AGP representing the Applicant, seeking six weeks time for taking steps to bring the legal heirs on record. Accordingly, Civil Application No. 1 of 2020 was filed for bringing the legal heirs of the respondent on record alongwith prayer for condonation of delay.

The Civil Application was listed before the Registrar (Judicial - II) on 07.09.2021. A conditional order came to be passed granting two weeks time to supply copies to issue notice to the proposed legal heirs, failing which the Civil Application alongwith Letters Patent Appeal shall stand dismissed without further reference to the Court.

3. The Applicant has stated that, the copies of the memo could not be supplied in time due to Covid-19 pandemic as well as due to the dearth of manpower in the office of the Divisional Forest Officer, Wanwadi, Pune. As a result, the matter has been dismissed on account of failure to supply of copies by the Applicant. It is the contention of the Applicant that copies could not be supplied due to circumstances beyond their control.

4. We are satisfied with the reasons assigned in the

Application. Since it is specifically urged before us that, if the Appeal is not restored to the file, the Forest Department will suffer irreparable loss, we are inclined to restore the Appeal to its file by condoning the delay caused in bringing out the Interim Application seeking the restoration of the Letters Patent Appeal. As a result, Interim Application is made absolute in terms of prayer clause (a), (b) and (c).

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)