

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11271 OF 2024

IN

FIRST APPEAL NO.2064 OF 2007

Rama Ambaji Madhavi
(Since Deceased) Through Legal Heirs
Jeevan Rama Madhavi And Ors.

: Applicants/
Orig. Respondent No.1

IN THE MATTER BETWEEN

The State Of Maharashtra
Through Special Land Acquisition Officer,
Metro Centre No.V, Tal. Panvel, Raigad : Appellant
Vs.

Rama Ambaji Madhavi (since deceased)
Through Dashrath Ambaji Madhavi & Ors. : Respondents

Adv. Rahul S. Thakur, for the Applicants.
Adv. A. R. Patil, AGP for the State.

CORAM : SHAILESH P. BRAHME, J.

DATE : 9th AUGUST, 2024

P.C. :

1. Heard both the sides. This Application is for bringing heirs of sole Respondent No.1 by condoning the delay of 12 years and 35 days. Learned counsel for the Applicants submits that first appeal is relating to the proceedings of land acquisition. The cause of action survives against that Applicants. The delay has been adequately

mentioned in para No.4 of the Application. The Original Respondent No.1 died on 1st March, 2012.

2. Learned AGP for the Respondent-State opposes the Application.

3. Considering the explanation given by the Applicant in para No.4, it would be in the interest of justice to condone the delay. First Appeal is pending for final adjudication. I therefore pass the following order:-

ORDER

- (a) The Application is allowed.
- (b) The delay of 12 years and 35 days is condoned in setting aside abatement and bringing heirs of Original Respondent on record as shown in title cause.
- (c) Amendment be carried out within two weeks.

(SHAILESH P. BRAHME, J.)