

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.11274 OF 2024**

**IN**

**FIRST APPEAL NO.2064 OF 2007**

Pandurang Govar Madhavi  
(Since Deceased) Through Legal Heirs  
Asha Dhanaji Patil & Ors.

: Applicants/  
Orig. Respondent No.3

**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 : 9<sup>th</sup> AUGUST, 2024**

**P.C. :**

1. Heard both the sides. This Application is for bringing heirs of sole Respondent No.3 by condoning the delay of 5 years and 24 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.3 died on 12<sup>th</sup> March, 2019.

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 5 years and 24 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.)**