



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAO] NO.1398 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO.8713 OF 2024
IN
FIRST APPEAL ST. NO.10504 OF 2022
 [VIDC .vs. Shrikisan Radhakisan Kalantri and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Ms. A.S. Athalye, Advocate for Appellant.
 Mr. A.M. Joshi, AGP for Respondent Nos.3 and 4.

.....

CORAM : SANJAY A. DESHMUKH, J.
DATE : 11th DECEMBER, 2024.

1. This is an application for condonation of delay of 471 days caused for filing restoration application.
2. Learned advocate for the appellant submits that the delay is not deliberately caused. Because of mistake of the learned advocate for the appellant that she could not notice the office objections and those were not removed within 14 days, therefore, the appeal was dismissed for non removal of office objections. This is just and sufficient reason and, therefore, this application deserves to be allowed in the interest of justice. The application is allowed. The delay is condoned with direction to the appellant to remove office objections within a week. If office objections are not removed within a week, the application shall be deemed to be rejected without further order.
3. The application is disposed.

First Appeal St. No.10504/2022

1. This appeal arises out of impugned judgment and award passed by the Reference Court in the Land Acquisition Case No.3/2018, decided on 20.11.2021. The compensation claimed by the claimants was enhanced. However, respondent no.5-District Rehabilitation Officer, Lower Wardha Project, Wardha and respondent no.6-Chief Secretary, Irrigation Mantralaya, Mumbai are arrayed as a party respondents. These two respondent are not necessary or proper parties. The designation of respondent no.6 is also not correct. There is only one designation of Chief Secretary for the State of Maharashtra and there cannot be Chief Secretary for the Department of Irrigation, Mantralaya, Mumbai. Many times unnecessary parties like respondent nos.5 and 6 are arrayed in the cause title of the applications, suits and other proceedings. It causes unnecessary hurdle, like service of notice, adding them in appeal etc. It takes lot of time.

2. The appellant is, therefore, directed to delete the respondent nos.5 and 6 from the array of the respondents in applications as also appeal memo within a week.

3. The Registry of this court shall take note and act accordingly.

4. Stand over to 20.12.2024.

(SANJAY A. DESHMUKH, J.)