



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

CIVIL APPLICATION (CAF) No.2551 OF 2024
IN
FIRST APPEAL No.814 OF 2015

(VIDC, through its Executive Engineer, Minor Irrigation Division, Washim Vs. Padurang
Laxman Ugle and another)

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

Court's or Judge's orders.

Mr. J.B. Kasat, Advocate for appellant.
Mr. A.B. Mirza, Advocate for respondent No.1.
Ms. Hemlata S. Dhande , AGP for respondent No.2.

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : **4th OCTOBER, 2024.**

1. This is an application for condonation of delay, setting aside abatement and bringing legal representatives of respondent No.1 on record.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Learned A.G.P. for respondent No.2 has strongly objected the application.
5. The respondent No.1-claimant died on 17.1.2022. However, his legal representatives were not brought on record. Even though Pursis dated 7.2.2024 was filed on record. The application is filed on record on 18.9.2024. If this is considered, then there is delay of 7 months and 11 days caused for filing this application.
6. Learned Advocate for the applicant-appellant submitted that the delay is not deliberately caused. On

the contrary, some process of the office of the applicant-appellant was to be complied with like affidavit etc. Therefore, delay is caused. As far as this appeal is concerned it is 9 years old appeal.

7. Considering peculiar set of facts, there is sufficient reason to condone the delay i.e. some time was required to pursue with the office of the applicant-appellant. The delay is not deliberately caused. Therefore, in the interest of justice delay deserves to be condoned by taking liberal approach to the case in hand. In view of the judgment of the Supreme Court in the case of **Collector, Land Acquisition Anantnag and another Vs. Mst. Katiji and others**, reported in **AIR 1987 SC 1353**.

8. The application, therefore, deserves to be allowed in the interest of justice, subject to costs of Rs.1,000/- to be deposited with the Vidarbha Lady Lawyers Association, Nagpur within two weeks.

9. The application is allowed.

10. The applicant-appellant to carry out amendment within two weeks.

11. The application is disposed of.

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After the amendment is carried out and copy of the amended appeal memo is filed, issue notice to the legal representatives of respondent No.1, returnable after four weeks.

(SANJAY A. DESHMUKH, J.)