



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

CIVIL APPLICATION (CAO) NO. 1132 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO. 16118 OF 2024
IN
CIVIL APPLICATION (CAF) NO. 1900 OF 2017 (D)
IN
FIRST APPEAL ST. NO. 24544 OF 2016 (D)

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION
Vrs.
TULSABAI RAGHUPATRAO THAKARE (DEAD) AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J. B. Kasat, Advocate for applicant/appellant.
Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, Advocate for
LRS of respondent No.1.
Ms. Deepa Charlewar, AGP for respondent Nos.2 and 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 18/09/2024.

1. Issue notice to the respondents.
2. Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, learned Advocate waives service of notice for legal representatives of respondent No.1.
3. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent Nos.2 and 3.
4. Perused the application.
5. Heard learned Advocates for both sides.
6. This is an application for condonation of delay of 868 days caused for filing the restoration application.

7. Delay is not deliberately caused. Therefore, application deserves to be allowed, in the interest of application.

8. The application is allowed and disposed of.

MCA ST. NO. 16118 OF 2024

9. Issue notice to the respondents.

10. Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, learned Advocate waives service of notice for legal representatives of respondent No.1.

11. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent Nos.2 and 3.

12. Perused the application.

13. Heard learned Advocates for both sides.

14. Considering the reasons stated in the application, application deserves to be allowed, in the interest of justice.

15. Application is allowed and disposed of.

CIVIL APPLICATION (CAF) NO. 1900 OF 2017

16. Issue notice to the respondents.

17. Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, learned Advocate waives service of notice for legal representatives of respondent No.1.

18. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent Nos.2 and 3.

19. Perused the application.

20. Heard learned Advocates for both sides.

21. This is an application for condonation of delay of 90 days caused for preferring the appeal.

22. Some documents were not received and due to legal advice through official communication, delay of 90 days was caused. It appears that delay is not deliberately caused.

23. Considering the reasons stated in the application, application deserves to be allowed in the interest of justice.

24. Application is allowed and disposed of.

FIRST APPEAL ST. NO. 24544 OF 2016

25. Issue notice to the respondents.

26. Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, learned Advocate waives service of notice for legal representatives of respondent No.1.

27. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent Nos.2 and 3.

28. Call for record and proceedings.

CIVIL APPLICATION (ST) NO.16119 OF 2024

29. This is an application for condonation of delay, setting aside abatement and bringing the legal heirs of respondent No.1 on record.

30. Issue notice to the respondents.

31. Shri Rohan Bhishikar, Advocate h/f Shri N. R. Bhishikar, learned Advocate waives service of notice for legal representatives of respondent No.1.

32. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent Nos.2 and 3.

33. Perused the application.

34. Heard learned Advocates for both sides.

35. For the reasons stated in the application, the application deserves to be allowed, in the interest of justice with condition that applicant is not entitled for the statutory benefits like interest, etc. for the delayed period of 2548 days in view of Judgment of Hon'ble Supreme Court in the case of **New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)**.

36. The application is allowed and disposed of.

[SANJAY A. DESHMUKH, J.]

Choulwar