

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 7118 OF 2020
IN
FIRST APPEAL NO. 190 OF 2020

Mangalabai Ramkrishna Bhagwat

....Applicant

Versus

The Special Land Acquisition Officer,
Minor Irrigation Jalgaon And Anr

.....Respondents

.....

Ms. Kirti Deshpande h/f. Shri. M. M. Bhokarikar, Advocate for the
Applicant

Shri. D. J. Patil, AGP for the Respondent / State.

Shri. D. B. Rasve h/f. Shri. Ajay D. Pawar, Advocate for Respondent No.2

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : MARCH 18, 2025

PER COURT :-

. This is the Application for recall of the Order dated 13.02.2020 and extension of time to the Applicants in furnishing the undertaking as directed by the order dated 09.01.2020.

2. Heard the learned Advocate for the Applicant / Appellant, the learned AGP for the State and learned Advocate for the Acquiring Body.

3. The Appeal was filed against the Judgment of the learned Reference Court in LAR No.803/2011 dated 22.09.2017, along with the Civil Application No.13092/2019 for condonation of delay. The said Application for condonation of delay was allowed by order dated 09.01.2020 on the condition that the Appellant shall not be entitled to interest and statutory benefits. It was also directed that the Applicant / Appellant shall furnish undertaking to that effect and place it on record of the Appeal. Thereafter, by order dated 13.02.2020 the learned Advocate for the Appellant sought time to file undertaking and this

Court granted time by way of last opportunity. It was directed that, if the undertaking was not filed, the Appeal would stand dismissed automatically without reference to the Court.

4. The ground raised in the Application is reproduced below:

“2. The applicant submits that due to order dated 13.02.2020, the appeal resulted in dismissal on 27.02.2020, hence this application for restoration of appeal and extension of time, is preferred. The applicant is residing in the remote place, where intimation about the same received belatedly. The Undertaking was prepared before Hon. CJSD, Jalgaon on 29.2.2020 by appellant and received to advocate on 2.3.2020 at Aurangabad, hence immediately, this application is preferred for extension of time for submitting the Undertaking. The copy of the Undertaking dated 29.2.2020 by appellant, is enclosed herewith and marked as Ex. A.”

5. In view of the above, the Application is allowed. The Applicant / Appellant shall give undertaking as directed in the above referred order dated 09.01.2020 within a period of three weeks. On furnishing the said undertaking within the aforesaid time, the Appeal shall be restored, if dismissed in default.

(NEERAJ P. DHOTE, J.)

GGP