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908-CA-6652-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 6652 OF 2025
IN RC/637/2016

Arun Bapusaheb Hatote And Another

VERSUS

The State Of Maharashtra Through The Collector Jalna And Ors.

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Ms. Asha D. Rakh, Advocate for Applicants.

Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocate for appellant and learned AGP for Respondent-State.
2. This civil application is preferred for restoration of the Rejected Case No. 637 of 2016 in First Appeal (Stamp) No. 34230 of 2015. The said appeal was rejected by a conditional order dated 21st June 2016. The earlier application of the applicant, bearing Civil Application No. 2941 of 2020, was allowed subject to condition of removing office objections within a period of two weeks. It was stipulated that, if the

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objections were not removed, the order dated 04th March 2020 would stand vacated. It is seen that inspite of said order, objections were not removed within two weeks, and the matter came to be dismissed. It is in this fact, now this is the second application filed for restoration of the First Appeal (ST) No. 34230 of 2015.

3. Learned Advocate for the applicant argued that though on the earlier occasion, time was granted to remove office objections, the same could not be done as immediately thereafter Covid-19 pandemic period started, and the matter got stuck and petitioner lost a track. It is for this reason, the objections could not be removed.

4. This application, however, is filed on 28th August 2024 i.e. much after Covid-19 pandemic is over, and thus there is delay of 893 days in filing this application. There is some reason made out to condone the delay and to allow the application that is of corona pandemic. However, it is seen that the applicant is equally responsible, as even after Covid-19 pandemic period is over, he did not pay any attention. Since the appeal is against rejection of the land acquisition reference by a person who lost

his property in acquisition, this Court is inclined to allow the application.

Hence, the following order:

ORDER

(I) Civil Application stands allowed.

(II) First Appeal (ST) No.34230 of 2015 stands restored, subject to removal of office objection within four weeks from today and subject to payment of costs of Rs.2,500/-, to be deposited in the Office of Government Pleader, High Court of Bombay Bench at Aurangabad, towards their library, within four weeks from today.

(III) The applicant shall not be entitled to receive any statutory benefits from 2016 till restoration of the appeal. After the appeal is restored, place the same before appropriate Court within two weeks after removal of office objection.

(IV) With this, application stands disposed off.

[KISHORE C. SANT, J.]