

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 716 OF 2025

IN

FIRST APPEAL NO. 718 OF 2014

Dattatray Balkrishna Ghatage
(since deceased, through LRs) and Others.

...Applicants.

Versus

The State Of Maharashtra and Others.

...Respondents.

Mr. Suresh M. Kamble for Appellant.

Mr. A. R. Patil, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : January 23, 2025.

P. C. :

1. Interim Application has been preferred for bringing on record the legal heirs of deceased-Applciant No.2 and for condonation of delay of 1 year and 310 days caused in preferring the First Appeal and setting aside the abatement.

2. Learned counsel appearing for Applicant submits that the Applicant No.2 expired on 3rd November, 2022 during the pendency of present proceedings. He submits that as the appeal was already admitted, there was a communication gap between the litigant and Advocate-on-record and when the matter was listed, the claimants had contacted him and informed him about the death of Applicant No.2. As such, there is delay of 1 year and 310 days caused in preferring the First Appeal.

3. Mr. Patil, learned AGP does not seriously oppose the Application in view of the fact that the proceedings arise out of land acquisition matter.
4. The Appeal is already admitted in the year 2014. It is not uncommon that after the admission of Appeal, the same is listed for final hearing after considerable length of time. In the meantime, there is a communication gap between the Advocate-on-record and the Claimants. It is a possible explanation that the legal heirs of the Applicant No.2 did not contact the Advocate-on-record for the purpose of bringing the legal heirs on record. The delay is thus, sufficiently explained.
5. Interim Application stands allowed. Amendment to be carried out within a period of three weeks from today.

[Sharmila U. Deshmukh, J.]