

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1912 OF 2024.

IN

FIRST APPEAL NO. 2088 OF 2005.

Ravindra Shreedhar Kulkarni and Another ...Applicants.

Versus

The State of Maharashtra and Another ...Respondents.

Mr. Ashok B. Tajane for Appellants/Applicants.
Mr. A. R. Patil, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 3rd March, 2025.

P. C. :

1. Interim Application has been preferred for bringing the legal heirs of deceased-Appellant No. 2 on record and for condoning the delay of 17 years and 46 days caused in preferring the present Interim Application.
2. Learned counsel appearing for Applicants submits that First Appeal came to be admitted by order dated 3rd March, 2006 and private paper book was directed to be filed within a period of one year, which was a conditional order. He would further submit that 'Case Information System' status showed that Appeal was admitted and pending despite the conditional order having been came into effect for

non-filing of the private paper book. He submits that it is only when the matter was listed in the year 2023 that Appellants were contacted and information was received about death of Appellant No. 2. He submits that subsequently, Applications were filed for restoration of First Appeals and thereafter, present Application was filed for bringing the legal heirs of deceased-Appellant No. 2 on record and hence, there is delay of 17 years and 46 days caused in preferring the present Application.

3. Mr. Patil, learned AGP does not seriously oppose the Application in view of the facts of the present case and considering that proceedings arise out of land acquisition proceedings.

4. For the reasons stated in the Application, delay of 17 years and 46 days stands condoned.

5. Interim Application is allowed.

6. Amendment to be carried out within a period of three weeks from today.

[Sharmila U. Deshmukh, J.]