

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1891 OF 2025
IN
FIRST APPEAL (ST) NO. 35252 OF 2017

Dnyaneshwar Vasant Dhamale (since deceased)
Thr.LRs.Kusum Dnyaneshwar Dhamale and Ors. ... Applicants.
Versus
Special Land Acquisition Officer ... Respondent.

Ms. Deepa Punde i/by Mr.Sachin Pune for the Applicants.
Mr. Mayur Sonavane, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.
Date : February 25, 2025

P.C.:

1. Interim Application has been preferred for bringing on record the legal heirs of the deceased Appellant No.1B and for setting aside abatement and for condonation of delay.
2. Learned counsel appearing for the Applicants submits that the Appellant No.1B expired on 2nd October, 2018 and the legal heirs were not aware about the pendency of the First Appeal or about the procedure that an application has to be made for bringing themselves on record. She submits that it is only when the legal heirs established contact with their Advocate that they

informed about the legal requirement and as such, there is delay of 5 years and 343 days in preferring the Application. She would submit that in any event, there were other Claimants and the cause of action survived.

3. Learned AGP for the Respondent-State has not opposed the Application.

4. It cannot be disputed that the Claimants are agriculturists and may not be aware of the procedure of bringing the legal heirs on record. The First Appeal is of the year 2017 and the Appellant No.1B expired on 2nd October, 2018. It is only when the Advocate for the Applicant established contact that the knowledge was acquired about the death of the Appellant No.1B and the Application came to be filed. As such, there is sufficient explanation tendered for condoning the delay of 5 years 343 days caused in preferring the Interim Application.

5. In light of the above, the Interim Application is allowed. Amendment to be carried out within a period of three weeks.

[Sharmila U. Deshmukh, J.]