

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1914 OF 2024.

IN

FIRST APPEAL NO. 2090 OF 2005.

Rukiminibai Shreedhar Kulkarni

...Applicant.

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 seeking recall of conditional order dated 2nd March, 2007 dismissing the First Appeal on the ground of non-filing of private paper book, and seeking restoration of First Appeal after condoning delay of 16 years and 303 days caused in preferring the present Interim Application.

2. The proceedings arise out of land acquisition proceedings and seeks enhancement of compensation. The First Appeal is of the year 2005 and came to be dismissed by conditional order dated 2nd March, 2007. After the delay of almost 16 years and 303 days, the present Interim Application has been filed for recall of order of 2007 and for

restoration of First Appeal. It is by reason of default on the part of the Claimants'-original Appellants' in not complying with conditional order, which has resulted in dismissal of First Appeal way back in the year 2007 for which, in event, if the Appellant succeeds, the State should not be made to pay any interest.

3. In light of the above, the conditional order dated 2nd March, 2007 is recalled, subject to condition that the Claimants' will not be entitled to claim any interest under Section 28 of Land Acquisition Act, 1894 in case they succeed in the Appeals of the period from 2nd March, 2007 till the date of allowing the Application.

4. Interim Application is allowed in the above terms.

5. First Appeal is restored to file.

6. Private paper book to be filed within a period of one month from today.

[Sharmila U. Deshmukh, J.]