

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4014 OF 2025

IN

FIRST APPEAL NO. 38 OF 2013

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Jayesh Jaysing Deshmukh (deceased)
deleted and Ors.

...Applicants
Appellants

V/s.

State of Maharashtra and Anr.

...Respondents

WITH

INTERIM APPLICATION NO. 12804 OF 2025

IN

FIRST APPEAL NO. 1094 OF 2013

Smt. Shakuntala Arjunrao Pawar

...Applicant/
Appellant

V/s.

State of Maharashtra
through Special Land Acquisition
Officer and Anr.

...Respondents

Ms.Rukmini Khairnar i/b. Pramod Joshi, for the Applicants/Appellants.
Ms. Shilpa G. Talhar, AGP for State.

CORAM : ABHAY AHUJA, J.
DATE : 10th NOVEMBER, 2025

PC. :

1. By these two Interim Applications, the Applicants are seeking
condonation of delay in filing the said applications and thereafter

setting aside of the order dated 24th January 2019 and restoration of the First Appeals.

2. Ms. Khairnar, learned Counsel, appears for the Applicants and submits that since private paper-book could not be filed within the time granted by the Court, the First Appeals came to be dismissed. It is submitted that the error had been on the part of the registered clerk as well as Advocate.

3. Ms. Khairnar submits that it is a well settled principle of law that the parties should not suffer due to mistake or inadvertence of their Advocates/clerks, particularly, when there is no deliberate intention to delay the proceedings.

4. Ms. Khairnar refers to and relies upon paragraphs 3 to 5 of the applications and submits that the Appeals be restored to file and some time be granted as prayed for to furnish the paper-book.

5. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the applications be allowed, subject to payment of costs.

8. Accordingly, subject to payment of costs of Rs.5,000/- in each matter to the High Court Employees Medical Welfare Fund at Mumbai, within a period of two weeks, the two Interim Applications are allowed and the First Appeals are restored to file.

9. The Interim Applications accordingly stand allowed in terms of prayer clauses (a) and (b) and disposed as above.
10. Subject to the above, list the First Appeals on 20th January 2026.

(ABHAY AHUJA, J.)