

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 95275 OF 2020
WITH
INTERIM APPLICATION NO.10450 OF 2024
WITH
INTERIM APPLICATION NO.10451 OF 2024
WITH
INTERIM APPLICATION NO.10452 OF 2024
WITH
INTERIM APPLICATION NO.809 OF 2021
WITH
INTERIM APPLICATION NO.10449 OF 2024
WITH
INTERIM APPLICATION NO.808 OF 2021
IN
FIRST APPEAL (ST) NO. 95275 OF 2020

The State of Maharashtra
(Thr. The Special Land Acquisition
Officer, Metro Center No.1,
Uran, Dist. Raigad)

.....Appellant/
Applicant

VERSUS

Aruna Anant Bhoir
(since deceased through legal heirs)
Manoj Anant Bhoir & Ors.

....Respondents

Mr. A.R.Patil, Addl. G.P. for the Applicant.

Mr. Rahul Thakur (Thr.V.C.) for the Respondent nos.1.1, 1.2 and 2.2.

CORAM : RAJESH S. PATIL, J.

DATE : 30 SEPTEMBER, 2025

PC. :-

INTERIM APPLICATION NO. 10449 OF 2024

- 1) This application is filed by the State/applicant for setting aside the conditional order dated 4 April, 2024 passed by the Registrar (Judicial-II) and for the restoration of the First Appeal.
- 2) I have heard learned advocates for both the sides and after considering the averments made in the interim application, I am convinced that this interim application requires to be allowed.
- 3) **Interim application is allowed in terms of prayer clauses (b), (c) and (d).**
- 4) The State is not pressing prayer clauses (e) and (f) as a separate application has been filed.

INTERIM APPLICATION NO. 10451 OF 2024

- 5) This interim application has been filed to bring on record, the legal heirs of the deceased respondent no.2.3.
- 6) I have heard learned advocates for both sides and I have gone through the contents of the interim application. I am convinced that this interim application be allowed.
- 7) The present **interim application is allowed in terms of prayer clauses (b), (c) and (d).**
- 8) Amendment to be carried out within a period of three

weeks from today.

INTERIM APPLICATION NO. 10452 OF 2024

9) This interim application has been filed to bring on record, the legal heirs of the deceased respondent no.2.1.

10) I have heard learned advocates for both sides and I have gone through the contents of the interim application.

11) The advocate appearing for the applicant submits that there is a delay of 2 years 10 months 26 days in filing this Application.

12) The advocate for respondent opposes this Civil Application.

13) The Division Bench of this Court in *Keshao s/o. Kawadu Maral and another Versus State of Maharashtra and others*, reported in *2005 (1) MahLJ 1059*, condoned the delay of six years in filing the Application of bringing the legal heirs on record, relying on the Supreme Court judgment of *Sardar Amarjit Singh Karla (dead) by LRS. and others Versus Pramod Gupta (Smt.) (dead) by LRS. and others, reported in 2003 (3) SCC 272*.

14) Taking into consideration the above judgments and for the reasons stated in the application, I am convinced that this interim application be allowed.

15) The present **interim application is allowed in terms of prayer clauses (b), (c) and (d).**

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

INTERIM APPLICATION NO. 10450 OF 2024

17) This interim application is filed only for the purpose of amending the cause title of the First Appeal and the interim application as regard the address of the respondent no.1.2 is concerned.

18) Mr.Thakur, learned advocate appears for the respondent no.1.2.

19) Having heard learned advocates for both the sides, **this application stands allowed in terms of amended prayer clause (b).**

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

INTERIM APPLICATION NO. 808 OF 2021

21) This interim application is filed to condone the delay of 291 days in filing First Appeal.

22) I have heard learned advocates for both the sides and I have gone through the contents of the interim application. I am satisfied that grounds are made to allow this interim application.

- 23) **Interim application is allowed in terms of prayer clause (b).**

FIRST APPEAL (ST) NO. 95275 OF 2020

24) This First Appeal has been challenging the Judgment and Award dated 8 May, 2018 passed by the 2nd Joint Civil Judge, Senior Division, Raigad-Alibag in Land Acquisition Reference No. 612 of 2000 (Old Land Acquisition Reference No. 258 of 1990).

25) Acquisition of the land pertains to the notification dated 8 December, 1987 issued under Section 4 of the Land Acquisition Act. The land pertains to Village Kaladhonda, Taluka Uran, District Raigad.

26) **Admit.**

27) The Appellants to file private paper-book within a period of six months from today. A copy of the same to be served on other side.

28) Soft copy of R & P be sent by the trial Court to the High Court within 4 weeks from today. Original R & P should be preserved by the trial Court till further orders of this Court. Original R & P to be sent to the High Court when called for.

INTERIM APPLICATION NO. 809 OF 2021

29) This Civil Application is filed by the State seeking stay to

the execution of the Judgment and Award dated 8 May, 2018 passed by the 2nd Joint Civil Judge, Senior Division, Raigad-Alibag in Land Acquisition Reference No. 612 of 2000 (Old Land Acquisition Reference No. 258 of 1990).

30) Subject to the State depositing the entire award amount alongwith accrued interest within a period of twelve weeks from today in the Reference Court, there will be stay to the execution of the Judgment and Award dated 8 May, 2018 passed by the 2nd Joint Civil Judge, Senior Division, Raigad-Alibag in Land Acquisition Reference No. 612 of 2000 (Old Land Acquisition Reference No. 258 of 1990).

[RAJESH S. PATIL, J.]