

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1890 OF 2025.

IN

FIRST APPEAL (ST) NO. 35252 OF 2017.

Vasant Nagu Dhamale Since Deceased Thr.Lrs. ...Applicants.
Nagubai Vasant Dhamale And Ors.

Versus

Special Land Acquisition Officer ...Respondent.

Ms. Deepa S. Punde i/by Adv Sachin Punde for the Applicants.
Mr. Mayur Sonawane AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : February 18, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 30th November, 2018 dismissing the Civil Application No. 2136 of 2018 which was filed for condonation of delay. The Civil Application came to be dismissed for non service of the Application upon the State.

2. Learned Counsel appearing for the Applicant submits that inadvertently the erstwhile Advocate did not take proper steps to effect service upon the State Government and the conditional order passed by the Registrar came to be implemented and the registration of the Civil Application was refused. She would further submit that the Applicants who are the agriculturalist and whose lands have been

acquired in the year 1986 were not aware about the dismissal of the Civil Application and the consequent rejection of the First Appeal and it is only when the present Advocate were contacted that search was taken and it was found that the Civil Application for condonation of delay has been dismissed as there is delay of 6 years and 9 days caused in preferring the present Application.

3. Learned AGP appearing for the State submits that there is no sufficient explanation for condonation of delay and it was incumbent upon the Appellant to take necessary steps for effecting service upon the State.

4. The order of 30th November, 2018, dismisses the Civil Application No. 2136 of 2018 for non service of the proceedings upon the Respondent-State. The service of proceeding is the responsibility of the advocate on record and the Applicants would obviously will not have any knowledge about the said legal procedure. For default on part of the advocate the litigant cannot be made to suffer particularly when the proceedings arise out of the land acquisition proceedings and it is stated that the Applicants are agriculturist.

5. In light of the above, the delay of 6 years and 9 days is condoned. The order of the Registrar (Judicial-II) dated 30th November, 2018 stands recalled.

6. Resultantly, Civil Application No. 2136 of 2018 is restored

to file. Let the copy of the proceedings be served upon the State within a period of 1 week from today.

7. List the matter on **25th February, 2025.**

[Sharmila U. Deshmukh, J.]