



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2764 OF 2025
IN
CROSS-OBJECTION (ST) NO. 31221 OF 1996
IN
FIRST APPEAL NO. 738 OF 1994

Dasharath T. Thakur
Since deceased Thr. LRs. and Others. ...Applicants.

In the matter between :

State of Maharashtra. ...Appellant.

Versus

Shri. Trimbak Joma Thakur
Since deceased Thr. LRs. and Others. ...Respondents.

Mr. Sanjay Palshikar i/b S. S. Kulkarni for the Applicants.
Mr. A.R. Patil, AGP for State.

Coram : Sharmila U. Deshmukh, J.

Date : February 24, 2025.

P. C. :

1. Interim Application has been preferred by the Applicants who are legal heirs of deceased Respondent No.2 for being brought on record and for condonation of delay of 3 years and 69 days caused in preferring the Application.

2. Learned Counsel appearing for the Applicant submits that pending the Appeal, which is of the year 1994, the Respondent No. 2 expired. He submits that legal heirs were not aware about the

pendency of Appeal and therefore necessary information could not be given to their Advocate, and thus there is delay. He submits that so far as Respondent No.1d and Respondent No.9 are concerned, their legal heirs are already on record and therefore their names will have to be deleted.

3. Mr. Patil, learned AGP does not fairly oppose the Application considering that Appeal proceedings arise out of land acquisition proceedings.

4. Considering that the Respondent No.2 had expired during the pendency of Appeal, which is of the year 1994, it is an acceptable explanation that legal heirs were not aware of the pendency of Appeal proceedings and were not in a position to inform their Advocate so that timely steps could be taken to bring themselves on record. It is only when the First Appeal was listed for final hearing that the Advocate for Applicant was informed about the death of Respondent No. 2 and accordingly present Application has been filed.

5. There is sufficient explanation for delay and therefore delay is condoned. Interim Application stands allowed. Amendment to be carried out forthwith.

[Sharmila U. Deshmukh, J.]