

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3356 OF 2025
IN
FIRST APPEAL NO. 860 OF 2014

MAHARASHTRA KRISHNA VALLEY)
DEVELOPMENT CORPORATION)
THROUGH THE EXECUTIVE ENGINEER)
NEERA DEOGHAR PROJECT)...APPLICANT

V/s.

RAYA KONDU MALUSARE AND ORS.)...RESPONDENTS

Mr.Ashish Gabhale i/by Jay & Co., Advocate for the Applicant.

Mr.Abhijit Singh i/by P. Potnis, Advocate for the Respondent no.1.

CORAM : ABHAY AHUJA, J.

DATE : 18th SEPTEMBER 2025

PC. :

1. This Interim Application seeks restoration of the First Appeal that was dismissed for non-prosecution on 14th January 2025.

2. Mr.Gabhale, learned Counsel, appears for the Applicant and submits that the Advocate was unable to manage the scheduling of conflict between different matters resulting into non-appearance when the matter was called out. That, the non-appearance was neither willful nor intentional but beyond the control of the Advocate.

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

4. It is submitted that the Applicant/Appellant is a Government organization providing vital irrigation facilities and executing large scale irrigation projects to enhance agricultural productivity and regional development. That, the Applicant-Corporation has been acquiring land for public purposes for the welfare of the community. That, the Applicant has deposited part of the awarded amount and has a good case on merits.

5. Mr.Gabhale submits that this Court may, therefore, in the interest of justice restore the Appeal to the file.

6. Mr.Abhijit Singh, learned Counsel, appearing for the Respondents no.1 leaves it to the orders of the Court.

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

8. Accordingly, subject to payment of costs of Rs.10,000/- to the High Court Employees Medical Welfare Fund at Mumbai, within a period of four weeks, the First Appeal and the other connected Applications are restored to file.

9. The Interim Application accordingly stands allowed and disposed as above.

10. Subject to the above, list the First Appeal on **4th November 2025** along with the other group matters.

(ABHAY AHUJA, J.)