

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3367 OF 2025

IN

FIRST APPEAL NO. 859 OF 2014

VAISHALI
ANIL
TIKAM

Maharashtra Krishna Valley
Development Corporation
thr. Its The Executive Engineer

...Applicant/
Appellant

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V/s.

Shri Namdeo Bhagwan Malusare and Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 3368 OF 2025

IN

FIRST APPEAL NO. 862 OF 2014

Maharashtra Krishna Valley
Development Corporation
thr. Its The Executive Engineer

...Applicant/
Appellant

V/s.

Raghu Dhondu Malusare
since deceased Thr. His LR.
1A) Baban Raghu Malusare and Ors.

...Respondents

INTERIM APPLICATION NO. 3369 OF 2025

IN

FIRST APPEAL NO. 861 OF 2014

Maharashtra Krishna Valley
Development Corporation
thr. Its The Executive Engineer

...Applicant/
Appellant

V/s.

Tanhu Anu Malusare and Ors.

...Respondents

**INTERIM APPLICATION NO. 3422 OF 2025
IN
FIRST APPEAL NO. 857 OF 2014**

**Maharashtra Krishna Valley
Development Corporation
thr. Its The Executive Engineer**

**...Applicant/
Appellant**

V/s.

Shri Kondiba Raya Malusare and Ors.

...Respondents

Ms. Shraddha Dubopatil i/b. Jay & CO., Advocate for the Applicant / Appellant.

Ms. Shilpa G. Talhar, AGP for State.

Mr. Abhijit Singh i/b. P. Potnis, Advocate for the Respondent No.1.

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

PC. :

1. These Interim Applications seek restoration of the First Appeals that were dismissed for non-prosecution on 14th January 2025.
2. Ms.Dubopatil, 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.

3. Ms. Dubopatil 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 agriculture 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. Dubopatil submits that this Court may, therefore, in the interest of justice restore the Appeals to the file.

6. Mr. Abhijit Singh, learned Counsel, appearing for the Respondent 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 applications be allowed, subject to payment of costs.

8. Accordingly, subject to payment of costs of Rs.10,000/- in each of the matters to the High Court Employees Medical Welfare Fund at Mumbai, within a period of four weeks, the First Appeals and the other

connected Applications are restored to file.

9. The Interim Applications accordingly stand allowed and disposed as above.

10. Subject to the above, list the First Appeals on 20th January 2026 along with the other group matters.

(ABHAY AHUJA, J.)