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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 7676 OF 2025**  
**IN**  
**FIRST APPEAL NO. 1428 OF 2005**

Radhabai Waman Kadu (deceased) Thr. Lrs.1)kishor      ...Applicants.  
Waman Kadu To 4 And Ors

**IN THE MATTER BETWEEN**

The Special Land Acquisition Officer      ...Appellant

**Versus**

Vithoba Jagannath Mhatre & Ors.      ...Respondents.

\_\_\_\_\_  
*Mr. Mayur Sonavane, AGP for the State/Appellants.*

*Mr. Ojas Kocharekar i/b.Ms. Sanchita Thakur, for the Respondents.*

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**Coram :    Sharmila U. Deshmukh, J.**

**Date    :    April 30 , 2025.**

**P. C. :**

1.      Interim Application has been preferred by the legal heirs of Respondent No.5 for being impleaded and for condonation of delay of 19 years and 2 days caused in preferring the Application and for setting aside abatement.

2.      Learned counsel for the Appellant submits that the Respondent No.5 expired in the year 2005, during the pendency of the Appeal. He would further submit that the Applicants being agriculturist were not aware of the legal procedure and failed to inform, their Advocate about death of Respondent No.5. He submits that it is only when the

matter was listed on board that communication was established and the Advocate was informed leading to the delay.

3. Mr. Sonavane, learned AGP would not oppose the Application.
4. The Appeal is of the year 2005 and is already admitted. The proceedings arise out of the Land Acquisition proceedings and the legal heirs who are the agriculturists may not be aware of the legal provisions. It is specifically pleaded that when the matter was listed, the communication was established with the Advocate and the Advocate was informed about the death of Respondent No.5. Thus, there is a sufficient explanation of the delay of 19 years and 2 days caused in preferring the present Application and same stands condoned.
5. Interim Application is allowed.
6. Amendment to be carried out within a period of 4 weeks.

**[Sharmila U. Deshmukh, J.]**