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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7678 OF 2025
IN
CROSS OBJECTION ST.NO.572 OF 2006
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/Appellant.

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

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.]