

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7949 OF 2025

IN

FIRST APPEAL NO. 629 OF 2014

Maharashtra Krishna Valley
Development Corporation

... Applicant

Versus

Shri. Tennu Anu Malusare,
since deceased through his LRs

1a) Suresh Tanhu Dhamunshe and others

... Respondents

.....
Mr. Ashish Gabhale instructed by Jay & Co., Advocate for the Applicant.
Mr. Abhijit Singh instructed by P. Potnis, Advocate for the Respondents
No.1 to 4.

.....
CORAM : ABHAY AHUJA, J.
DATE : 17 SEPTEMBER 2025

P.C. :

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.

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. Singh, learned Counsel, appearing for the Respondents No.1 to 4 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** alongwith the other group matters.

(ABHAY AHUJA, J.)