

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO. 10829 OF 2025
IN
FIRST APPEAL (ST) NO. 10201 OF 2025

Dhavji Nama Thakur (Deceased) through
LRS 1) Vasanti Dhavjee Thakur And Ors. ...Applicants

In the matter between

Dhavji Nama Thakur (since deceased)
Through his Heirs and LRs & Ors. ... Appellants

Versus

The State Of Maharashtra,
(through the Deputy Collector (land Acquisition),
Mumbai ...Respondent

WITH
INTERIM APPLICATION (ST) NO.10202 OF 2025
(Not on board. Taken on board)
IN
FIRST APPEAL (ST) NO. 10201 OF 2025

Dhavji Nama Thakur (Deceased) through
LRS 1) Vasanti Dhavjee Thakur And Ors. ...Applicants

In the matter between

Dhavji Nama Thakur (since deceased)
Through his Heirs and LRs & Ors. ... Appellants

Versus

The State Of Maharashtra,
(through the Deputy Collector (land Acquisition),
Mumbai ...Respondent

Ms. Deepa Punde i/b. Mr. Sachin S. Punde for Applicants in both IAs.
Mr. A.R. Patil, Addl. G.P. for Respondent/State in both IAs.

CORAM : M.M. SATHAYE, J.

DATE : 12th AUGUST, 2025

P.C. :

1. Interim Application No.10202 of 2025 is not on board. Taken on board. This application is filed for delay condonation of 3 years, 154 days.
2. Heard learned counsel for the Applicants in both the applications and learned Addl. G.P for Respondent/State.
3. Interim Application No.10829 of 2025 is filed for leave to file appeal, by legal heirs of original sole claimant Dhavji Nama Thakur, who expired after the impugned judgment and award was passed, within a month's time. It is submitted that by learned counsel for the Applicants that the Applicants are widow and married daughters of the sole claimant, who wish to file this appeal for seeking enhancement in the compensation amount.
4. Perused the application. The death certificate of the sole claimant is produced on record. It is stated in the applications that the impugned judgment and award is passed in April 2021. The husband/father of the Applicants expired in May 2021 and at relevant time Covid Pandemic was going on and under the orders of the Hon'ble Supreme Court, the limitation period was suspended till end of February 2022. It is further stated that the Applicants did not have sufficient funds to carry the matter in appeal for the purpose of enhancement. However, as recently as in the month of January 2025, the amount under impugned award has been deposited and part of

the amount is received by the Applicants which has enabled them to engage a lawyer and file present proceedings.

5. No replies are filed opposing prayers in the applications.

6. Since sole claimant expired after the impugned award, the Applicants will require leave of the Court to file present appeal for enhancement. Considering the averments in the application and the fact that the claim is arising out of compensation payable for land acquisition, sufficient cause as well as case for both, leave to file appeal and delay condonation is made out.

7. In that view of the matter, both the applications are allowed. The Applicants are granted leave to file appeal. Delay in filing the first appeal is condoned.

8. Both applications are disposed of in above terms.

(M.M. SATHAYE, J.)