



14.cao.158.2025 aw connected applns. in fa.96.2019.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**CIVIL APPLICATION (CAO) NO. 158 OF 2025**  
**IN**  
**MISC. CIVIL APPLICATION (ST) NO. 24504 OF 2024**  
**WITH**  
**CIVIL APPLICATION (CAF) NO. 449 OF 2025**  
**WITH**  
**CIVIL APPLICATION (CAF) NO. 450 OF 2025**  
**WITH**  
**CIVIL APPLICATION (CAF) NO. 548 OF 2016**  
**IN**  
**FIRST APPEAL NO. 96 OF 2019**  
**(Executive Engineer, Medium Project, Nagpur V/s Ajab Namdeo Doble & Ors.)**

Office Notes, Office Memoranda of Coram,  
Appearances, court's orders or directions and  
Registrar's orders

Court's or Judge's orders

Mr. Anoop Singh Parihar, Advocate for Appellant.  
Ms. Vidya Umale, Advocate for Respondent No.4 and  
Legal Heirs of Respondent No.5.  
Mr. M. A. Kadu, AGP for Respondent Nos.7 & 8/ State.

-----  
**CORAM : ROHIT W. JOSHI, J.**  
**DATE : FEBRUARY 14, 2025.**

**CIVIL APPLICATION (CAF) NO. 449 OF 2025**

. Heard.

2. The Appellant had filed First Appeal (St) No. 15679/2015 in order to challenge the Judgment and Award dated 13/2/2013 passed by the learned Joint Civil Judge Senior Division, Nagpur in Land Acquisition Case No. 132/2001. There was a delay in filing the Appeal, and therefore, Civil Application (CAF) No. 548/2016 was filed, seeking condonation of delay in

filing Appeal. However, in the meantime, the Respondent No.2 – Smt. Deokabai Namdeo Doble and Respondent No.5 – Smt. Nalu Ramchandra Dhole were reported to be dead, however, no steps were taken in bringing their legal representatives on record. Likewise, steps were also not taken for service upon the Respondent No.1 – Ajab Namdeo Doble, Respondent No.3 – Smt. Meera Ajab Doble (her correct name should be Sau. Meera Ajabrao Ghagre) and Respondent No.4 – Smt. Pingla D. Mantode (her correct name should be Smt. Pingla D. Manmode).

3. This Court, vide order dated 7/1/2019, recorded that the Appeal had abated against the Respondent Nos.2 and 5 and also recorded that as per earlier office orders the Appeal stood dismissed in default against the Respondent Nos.1, 3, 4 and 6. The proceedings were ordered to be disposed of as abated, reserving liberty with the Appellant to take appropriate steps in accordance with law.

4. Since the delay was not condoned, Appeal was not registered. However, it appears that after the order dated 7/1/2019 was passed, disposing of the proceedings, the Appeal was numbered as First Appeal No. 96/2019, probably to record that the Appeal had abated and disposed of as such.

5. In view of the above development, the Appellant has filed an application for restoration of Appeal being Misc. Civil Application (St) No. 24504/2024. Since there is a delay in filing restoration application, Civil Application No. 158/2025 is filed, seeking condonation of delay.

6. Since the Respondent Nos. 1, 2 and 5 have expired, the Appellant has filed Civil Application No. 450/2025 for bringing their legal representatives on record. Civil Application No. 449/2025 is filed seeking condonation of delay in filing application for bringing legal representatives on record.

7. The reason for the delay is explained by stating that the details of legal representatives were not known and the fact of death of the Respondents was also noticed only from the Bailiff's Report, since the notices could not be served. It is stated that on making enquiry, relevant information could be gathered, and accordingly, the Application is moved seeking condonation of delay in bringing legal heirs on record.

8. As regards the Respondent No.2, her legal representatives are already on record as Respondent Nos.1 and 3 to 6. The proceeding never abated against her. As regards the Respondent Nos.1 and 5, the explanation offered is plausible and is accepted accordingly.

9. In view of the aforesaid, Civil Application is allowed and delay caused in bringing legal heirs on record is condoned and abatement of Appeal against the Respondent Nos.1 and 5 is set aside.

CIVIL APPLICATION (CAF) NO. 450 OF 2025

. This application is filed for bringing legal heirs of the Respondent Nos.1, 2 and 5 on record.

2. For the reasons recorded above, Civil Application is allowed and names of legal representatives of deceased Respondent Nos.1 and 5 are permitted to be brought on record.

3. Necessary amendment be carried out in cause-title of the Appeal.

CIVIL APPLICATION (CAF) NO. 548 OF 2016

. This is an application seeking condonation of delay in filing First Appeal, challenging the Judgment and Award dated 13/2/2023 passed by the learned Joint Civil Judge Senior Division, Nagpur in Land Acquisition Case No. 132/2001.

2. The delay is attributed to the procedural formalities and office procedure. Having regard to the explanation offered in the Application, the delay is condoned.

3. Civil Application stands disposed of accordingly.

FIRST APPEAL NO. 96 OF 2019

. The parties are *ad idem* that First Appeal (St) No. 23906/2014 arising out of the same acquisition proceeding pertaining to land in the same village was dismissed on merits. Based on the aforesaid decision, Appeal preferred by the Respondent Nos.7 and 8 i.e. State of Maharashtra and Land Acquisition Officer challenging the same Judgment and Award, which is impugned in the present Appeal being First Appeal No. 957/2015 was dismissed vide order dated 7/9/2021.

2. In view of the aforesaid, present Appeal is also dismissed with no order as to costs.

3. Amount of compensation be disbursed in accordance with apportionment done vide order dated 8/3/2019 passed in Civil Application (CAF) No. 843/2019 in First Appeal No. 957/2015.

**(ROHIT W. JOSHI, J.)**