

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1356 OF 2026
IN
WRIT PETITION NO. 12774 OF 2025

Shantanu Ramchandra Kelkar And Anr. ...Applicants
Versus
The Ld. Maharashtra Revenue Tribunal Mumbai And Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 1358 OF 2026
IN
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The Ld. Maharashtra Revenue Tribunal Mumbai And Ors. ...Respondents

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Adv. Bal Patil, Advocate for Applicants/Petitioners.
Mr. J. P. Patil, AGP for Respondents-State in IA/1356/2026.
Mr. Sanjay D. Rayrikar, AGP for the Respondents-State in
IA/1358/2026.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 9th SEPTEMBER, 2026.

P.C. :

INTERIM APPLICATION NO. 1356 OF 2026

By this application, the applicants seek to condone the delay of

2567 days and to delete the name of the respondent No.16 from the title clause of the petition.

2. The learned counsel for the applicants points out that the respondent No.16 – Sangeeta Sadanand Varekar, is survived by respondent Nos.17 to 20. As legal heirs are already on record, there is no need to supply copies and re-issue notices to them.

3. The cause of action survives as against the heirs of the deceased party respondent. The delay cannot be said to be intentional.

4. For the reasons stated in the application, the application is allowed and the delay stands condoned. The respondent No.17 to 20 shall be treated to be legal heirs of respondent No.16. Accordingly, the application stands disposed of.

INTERIM APPLICATION NO. 1358 OF 2026

5. By this application, the applicants seek to condone the delay of 8231 days in setting aside the abatement and bringing legal heirs of respondent Nos.21 and 23 on record. They are survived by respondent Nos.15 and 22, proposed heirs of respondent Nos.21 and 23. The cause of action survives as against the heirs mentioned above. They are necessary parties. There are no *mala fides* on the part of the applicants.

6. For the reasons stated in the application, the application is

allowed and the delay stands condoned. Abatement, if any, is set aside. The respondent Nos.15 and 22 shall be treated to be the heirs of respondent Nos.21 and 23. Accordingly, interim application stands disposed of.

[SHAILESH P. BRAHME, J.]