

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.11429 OF 2021
IN
FIRST APPEAL NO. 1390 OF 2009**

**SAHEBRAO NAMDEORAO LATE (DIED) THR LRS. SARUBAI
SAHEBRAO LATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
JALNA AND OTHERS**

...
Advocate for Applicants : Mr. M. P. Tripathi h/f Mr. P. R. Kadam
AGP for Respondents/State: Mr. S. P. Deshmukh
Advocate for Respondent No.3: Mr. B. R. Survase
...

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 8th MARCH, 2022

PER COURT : -

1. It is an application moved by the applicants seeking permission to bring on record the legal heirs of the original claimant.
2. Heard Mr. M. P. Tripathi holding for Mr. P. R. Kadam, learned counsel for the applicants, Mr. S. P. Deshmukh, learned AGP for the State and Mr. B. R. Survase, learned counsel for respondent no.3/acquiring body.
3. There seems to be delay of 3881 days in bringing on record legal heirs of deceased/claimant – Sahebrao Namdeorao. Even though

there is a huge delay, it needs to be condoned having regard to the nature of dispute between the parties however by imposing certain costs.

4. For the reasons stated in the application, more particularly in para 4, the delay needs to be condoned and application so as to bring on record the legal heirs of the original claimant needs to be allowed.

ORDER

(i) The civil application is hereby allowed in terms of prayer clauses (A) and (B) on condition that the applicants shall deposit Rs.5000/- by way of costs with the High Court Legal Services, Sub-Committee, Aurangabad within two days from today.

(ii) The legal heirs of deceased – Sahebrao Namdeorao shall be brought on record forthwith by making necessary amendments in the array of appeal memo and thereafter, this appeal be placed before the Lokadalat scheduled to be held on 12th March, 2022.

(iii) Civil Application is disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)