

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

2 CIVIL APPLICATION NO.16004 OF 2022
IN FAST/31078/2019 WITH CA/7404/2021 IN
FAST/31078/2019 WITH CA/7405/2021 IN FAST/31078/2019

ACHYUT SOPAN LOMTE (DIED) THR LRS. SUMITRA (DIED)
THROUGH LRS. HANUMANT ACHYUT LOMTE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION,
OSMANABAD AND OTHERS

...

Mr. Vivek Tarde, for the applicants.

Mr. B.V. Virdhe, A.G.P. for State.

Mr. Ranjit Gaikwad, Advocate for Acquiring Body.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05.12.2022.

ORDER:-

In Civil Application No. 16004 of 2022 :

1. Heard rival submissions. The applicants are seeking permission to bring themselves on record being the legal representatives of deceased Achyut Sopan Lomte, the sole respondent in the appeal, by condoning the delay of 144 days. Admittedly Achyut died on 30.08.2021 as per the death certificate annexed. Thus, considering the right to defend, the application is allowed in terms of prayer clauses (B) and (C). The appellant Acquiring Body to carry out the amendment within the stipulated period.
2. The application is accordingly disposed of.

In Civil Application No. 7404 of 2021 :

1. The appellant-Acquiring Body is seeking condonation of delay of 1501 days in filing the appeal, which appears to be caused due to obtaining sanction at various stages. There is no strong objection from other side. As such, the delay of 1501 days stands condoned.
2. The appeal be placed for admission after removal of office objections, if any.
3. The application is accordingly disposed of.

In Civil Application No. 7405 of 2021 :

. Since the appellant Acquiring Body has deposited entire amount of compensation in respect of the impugned award, the application is made absolute in terms of prayer clause (A) and disposed of.

(SANDIPKUMAR C. MORE, J.)