

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

**CIVIL APPLICATION NO. 10569 OF 2022 IN
FIRST APPEAL ST. NO. 10968 OF 2021**

Santosh Digambar Nepte & others Applicants

Versus

The State of Maharashtra &
others Respondents

Mr. V. V. Ingale, advocate for the Applicants
Mr. S. N. Kendre, AGP for Respondents No.1 & 2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

The applicants are seeking permission to bring themselves on record, being the legal representatives of appellant no.2 – Datta Digambar Nepte, who admittedly died on 27.06.2005 by condoning delay of 5980 days. However, it appears that Datta was already a dead person when the impugned judgment and award was passed. Further, this appeal is filed by Santosh and legal heirs of Datta.

As such, when the legal heirs of deceased Datta

are already on record, the Civil Application is allowed only to the extent of permission to the applicant no.2A to 2C to prosecute the appeal.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 10567 OF 2022 IN
FIRST APPEAL ST. NO. 10965 OF 2021**

Shivaji Narayan Neepte

Applicant

Versus

The State of Maharashtra &
others

Respondents

**WITH
CIVIL APPLICATION NO. 10568 OF 2022 IN
FIRST APPEAL ST. NO. 10968 OF 2021**

Santosh Digambar Nepte & others

Applicants

Versus

The State of Maharashtra &
others

Respondents

Mr. V. V. Ingale, advocate for the Applicants
Mr. S. N. Kendre, AGP for Respondents No.1 & 2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

Heard rival submissions.

Applicants-claimants, in these two applications,

are seeking condonation of delay of 1704 days which appears to be caused due to their financial crisis.

The learned AGP strongly opposed the applications on the ground the delay is not properly explained. The acquiring body, though served, but remained absent.

However, considering the statutory right of the applicants, delay of 1704 days, in both these applications, stands condoned subject to the condition that the applicants shall not claim any interest for the aforesaid period of delay .

The appeals be placed for admission after removal of office objections, if any.

Civil Applications are disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb