

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

**CIVIL APPLICATION NO. 3983 OF 2020
IN
FIRST APPEAL STAMP NO. 10420 OF 2019**

Jagannath Kashinath Potdar
Since deceased through his L.Rs.
Chamanbai and others .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri M. L. Dharashive, Advocate for the Applicants.
Shri S. B. Pulkundwar, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 07TH JUNE, 2023.**

FINAL ORDER :

. Heard.

2. This application is filed to bring legal heirs of the original appellant Jagannath Kashinath Potdar on record, who died during pendency of application seeking condonation of delay caused in filing the appeal. There is delay of 1038 days caused in filing application for bringing legal heirs on record.

3. Mr. Dharashive, learned advocate appearing for the applicant would submit that the deceased Jagannath was looking after the litigation and the proposed legal heirs were not aware

about the same. After getting knowledge of pendency of litigation, they obtained the necessary documents and filed the application for bringing them on record as legal representatives of the deceased appellant. He would submit that the delay caused in filing present application is not intentional. The applicants are litigating for the right regarding immovable property and the compensation towards acquisition of the land.

4. Learned Assistant Government Pleader appearing for the respondents opposes the prayer.

5. Having considered the submissions advanced and the pleadings in the application, case is made out to condone the delay of 1038 days caused in filing present civil application as well as to permit the applicants to bring them on record as legal heirs of the deceased appellant. Hence the civil application is allowed. The delay is condoned. Abatement is set aside. Applicants are permitted to replace them as legal heirs of the deceased sole appellant/applicant. Amendment to be carried out within a period of fourteen (14) days from today. The civil application is disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23