

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

**911 CIVIL APPLICATION NO.8601 OF 2023
IN FA/778/2007**

**VISHWANATH SHANKAR SAMANGAVE (DIED) THROUGH LRS.
SUNANDABAI AND OTHERS**

VERSUS

**THE STATE OF MAHARASHTRA, THROUGH THE
COLLECTOR, LATUR AND ANOTHER**

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Mr. S.N. Lale Yelwatkar, Advocate for the applicants.

Mr. S.P. Tiwari, A.G.P. for respondent – State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.08.2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking permission to bring themselves on record in the appeal being the legal representatives of sole appellant Vishwanath Shankar Samangave, who admittedly died on 28.09.2009, by condoning the delay of 4911 days.
3. The learned A.G.P. strongly opposed the application on the ground that considering the huge delay, the interest for the said period must be stopped while allowing the applicants to bring themselves on record.
4. In view of the same and considering the right to sue, the application stands allowed in terms of prayer clause-B subject

to condition that the applicants shall not be entitled for the interest for the period of aforesaid delay in case any enhanced compensation is granted to them.

5. The applicants are directed to carry out the amendment within the stipulated period.

6. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)