

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

**CIVIL APPLICATION NO.2815 OF 2022 IN
CROSS OBJECTION ST. NO. 24818 OF 2021**

Umakant s/o Vishwanath Patil
(died), through L. R.
Santosh Umakant Patil (died)
through L. Rs.

Applicants

Versus

Godavari Marathwada Irrigation
Development Corporation & others

Respondents

Mr. H. B. Nandavagale, advocate holding for Mr. V. G. Sakolkar,
advocate for the Applicants
Mr. S. G. Sangle, advocate for Respondents No.1 & 2.
Mr. B. V. Virdhe, AGP for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard rival submissions.

The applicants, being the legal heirs of deceased Umakant Vishwanath Patil, who is the sole claimant and respondent in the main appeal, are seeking condonation of delay of 4902 days in filing Cross Objections, which appears to be caused due to lack of knowledge about the pendency of appeal which was being looked after by the original claimant-Umakant.

The learned Counsel for the acquiring body strongly opposed the application on the ground that there is huge delay

and, therefore, certain cost needs to be imposed. He also submitted that unless the L.Rs. of deceased Umakant are brought on record in the appeal, this application cannot be decided.

However, it is significant to note that the appeal is filed by the acquiring body and it is responsibility of appellant-acquiring body to bring on record legal representatives of deceased Umakant i.e. the sole claimant in its appeal.

In view of the same and for the reasons stated in the application, delay of 4902 days stands condoned subject to the condition that the applicants shall not claim any interest for the aforesaid period of delay on enhanced compensation, if granted.

Civil Application is disposed of.

Cross Objections be registered after removal of office objections, if any.

(SANDIPKUMAR C. MORE)
JUDGE

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