

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12981 OF 2019 IN
FIRST APPEAL NO.2668 OF 2008

Syed Gaus Mohiyoddin s/o Hissamoddin
(Deceased through LRs)

Applicants

Versus

The State of Maharashtra

Respondent

Mr. C. C. Deshpande, Advocate for the applicants.
Mr. A. R. Kale, AGP for the State.

CORAM : R. M. JOSHI, J.
DATE : 15th FEBRUARY, 2023.

PER COURT :

1. Heard.
2. This is an application for setting aside abatement, for bringing on record legal heirs of deceased appellant and for condonation of delay of 388 days caused in filing the application.
3. It is contended by the applicants that they had no knowledge about the pendency of the appeal until the appellants in connected appeal informed about the same.

4. The original proceeding arises out of acquisition of land. Delay caused in filing application for setting aside abatement and bringing on record legal heirs of deceased appellant is not deliberate. In the result, application is allowed in terms of prayer clause 'B'. Delay caused in filing the application stands condoned. Abatement of first appeal is set aside. Legal heirs of deceased appellant be brought on record. Amendment be carried out within two weeks.

5. Application stands disposed of.

(R. M. JOSHI)
Judge

dyb