

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

**925 CIVIL APPLICATION NO.1164 OF 2023
IN FA/1383/2021**

SHABBIR HAZI USMAN BAGWAN (DIED) THR LRS. SAJEEDABI
KHALEDA (ALREADY ON RECORD) SHAHGIR AND OTHERS
VERSUS
THE EX. ENGINEER, GIRNA CANNEL RENOVATION DIVISION- 2,
JALGAON AND OTHERS

...
Mr.A.B. Kale Advocate for Applicants.
Mr.Deepak B. Rasve Advocate h/f. Mr. A.D. Pawar
Advocate for Resp. Nos.1 and 2.
Mr.R.D. Sanap, A.G.P. for Resp. Nos. 3 and 4.
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**CORAM: SMT. VIBHA KANKANWADI AND
Y.G. KHOBRADE, JJ.**

DATE : 28th MARCH, 2023

ORDER :

1. Present Application has been filed for condonation of delay and for bringing legal heirs of applicant No.1 – Shabbir Hazi Usman Bagwan on record.
2. Heard all the parties.
3. The applicants have come with the case that the deceased Shabbir died on 7th September 2021. He was the original

claimant No.1 and respondent No.1.1 in the first appeal. The first appeal is filed by the acquiring body. Applicant No.2 – Sajeedabi is already on record. She was claimant No.2 before the Reference Court and respondent No.1.2 in the first appeal. If these facts are taken note of, when the widow is already on record, may be in the capacity as the co-owner, then the Limitation Act may not be applicable. Yet taking into consideration the delay and also the fact that the applicants themselves are the respondents and it would be the prime duty of the appellant to bring the legal heirs of the respondent on record, the applicant deserves to be allowed.

4. Accordingly, the delay stands condoned. The Application is allowed. The applicants be brought on record. The amendment be carried out in the first appeal by the learned Advocate for the appellant, within a period of one week.

5. Place the First Appeal and Civil Applications for further consideration on 3rd April 2023.

[Y.G. KHOBRADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE