

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

**CIVIL APPLICATION NO. 6107 OF 2023
IN
FIRST APPEAL NO.695 OF 2016**

**NARSING SAMBHAJI DADAGE (DIED) THR LRS VENKAT AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

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Advocate for Applicants: Mr. R. S. Shinde
AGP for the Respondent No.1/State: Mr. S. S. Dande
Advocate for Respondent No.2: Mr. S. D. Dhongade

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 01.08.2023

PER COURT :

1. By this application, the applicants seek permission to bring on record the legal heirs of deceased appellant – Narsing Sambhaji Dadge who died on 02/04/2017 leaving behind the legal heirs as shown in Paragraph No.2 of the application. There is a delay of 1935 days caused in filing the present application.
2. Mr. Shinde, learned Advocate appearing for the applicants submits that the deceased was looking after this litigation. The applicants / legal heirs were not aware about the pendency of appeal. After they got knowledge, the present application is moved. The delay caused is not intentional. He submits that the appeal is arising out of the proceeding under the Land Acquisition Act and the applicants are litigating for getting

compensation towards the lands, which they lost on account of compulsory acquisition.

3. Learned AGP as well as learned Advocate appearing for respondent no.2 / acquiring body contested the application stating that the delay is not properly explained.
4. Having considered the submissions, it is evident that the reasons as stated in the application from Paragraph Nos.2 to 4 are not controverted by filing the reply. Further, the appeal is arising out of the proceeding under the Land Acquisition Act. Considering the nature of litigation, the delay deserves to be condoned and the applicants deserve to be permitted to be taken on record as the legal heirs of the deceased/appellant. Hence, the following order:

ORDER

- (i) Civil Application is allowed in terms of prayer clauses – ‘B’, ‘C’ and ‘D’ and the same is disposed of accordingly.
- (ii) Amendment to be carried out within a period of two weeks from today.

[S. G. CHAPALGAONKAR]
JUDGE