

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

43 CIVIL APPLICATION NO.10668 OF 2019
IN FAST/24340/2019 WITH CA/16523/2022 IN FAST/24340/2019

THE STATE OF MAHARASHTRA
VERSUS
SHIVAJI MARUTI NIMBALKAR

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AGP for Applicant : Mr. B. V. Virdhe
Advocate for Respondent : Mr. S. K. Pandit h/f Mr. R. D. Khadap

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/01/2023.

P. C. :

A) CIVIL APPLICATION NO.16523 OF 2022 :

1. Heard rival submissions.
2. The applicants being the legal heirs of sole respondent / claimant- Shivaji Maruti Nimbalkar are seeking permission to bring themselves on record.
3. Admittedly, Shivaji has died on 27/06/2020 and therefore, considering the right to defend, the application stands allowed in terms of prayer clause – B and C
4. The appellant acquiring body-State is directed to carry out the necessary amendment in the appeal as well as in delay condonation application forthwith.
5. Civil application is disposed of accordingly.

B) IN CIVIL APPLICATION NO.10668 OF 2019 :-

1. Heard rival submissions. The learned counsel for respondent/claimants waives notice for legal representatives of original claimant – Shivaji Maurti Nimbalkar.

2. The State acquiring body is seeking condonation of delay of 1196 days in filing appeal, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore, the delay of 1196 days stands condoned.
3. The appeal be placed for admission after removal of office objections, if any.
4. Civil application is disposed of according.

(SANDIPKUMAR C. MORE, J.)