

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9140 OF 2022 IN
FIRST APPEAL NO. 2461 OF 2008

Ajamsab Kashimsah Railwale
(Deceased through LRs) & others

Applicants

Versus

The State of Maharashtra & others

Respondents

Mr. V. S. Kadam, Advocate for the applicants.
Mr. P. G. Borade, AGP for the State.

CORAM : R. M. JOSHI, J.
DATE : 6th FEBRUARY, 2023.

PER COURT :

1. Heard.
2. Perused the application.
3. Learned advocate for the applicants submits that the delay caused in bringing legal heirs of deceased on record was on account of time consumed for obtainment of heirship certificate from the concerned Court and thereafter due to Covid-19 Pandemic, application could not be preferred by the applicants. In support of his contention, he has placed on record the order dated 21st

December, 2019, passed by the learned Civil Judge Junior Division, Chakur.

4. The original appeal is against the order passed by the reference Court which involves issue of payment of fair compensation on compulsory acquisition of land. Needless to say that the applicants would not have gained anything by not bringing legal heirs on record within limitation. The time required for obtainment of heirship certificate and Covid-19 Pandemic situation are sufficient to indicate that the delay is not deliberate. Considering facts and circumstances and having regard to the nature of dispute, this is a fit case to condone delay.

5. As a result, application stands allowed in terms of prayer clauses 'B' to 'D'. Legal heirs be brought on record by carrying out amendment within two weeks. Civil application stands disposed of.

(R. M. JOSHI)
Judge