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927-ca-1701-24

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

**927 CIVIL APPLICATION NO. 1701 OF 2024
IN FA/2487/2018**

**LAHANUPANT NANASAHEB CHAVAL DIED THR LRS RAOSAHEB
LAHANUPANT CHAVAL AND ANOTHER
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, M.I.W. JALNA AND
OTHERS**

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Advocate for Applicants : Mr. Ishwar K. Wagh
h/f. Mr. K. M. More

AGP for Respondent nos. 1 and 2 – State : Mr. S. V. Hange

Advocate for Respondent No.3 : Mr. Ruturaj C. Patil

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 05.04.2024

PER COURT :

1. Heard both sides at length.
2. By the present application, the applicants made composite prayer for condonation of delay of 2060 days caused in filing application for bringing legal heirs of the deceased appellant on record, setting aside abatement and substitution name of the deceased appellant.
3. The learned counsel appearing for the appellants / applicants submits that on 01.03.2018, the appellant has died during the pendency of the appeal and cause of action survives. However, for

want of knowledge about pendency of present appeal, he could not contact the counsel of his father hence delay is caused. The said delay is not seriously objected by the respondents. Therefore, considering the nature of claim, the delay of 2060 days caused in lodging application, for bringing legal heirs of deceased appellant on record is hereby condoned. The abatement is quashed and set aside. The applicants are permitted to substitute their names in place of the deceased appellant.

4. Necessary amendment be carried out within a period of two weeks from today.

5. Civil Application is accordingly disposed of.

(Y. G. KHOBRAGADE, J.)