



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO. 6674 OF 2023 IN FA/190/2011
WITH
CIVIL APPLICATION NO. 6682 OF 2023 IN FA/1782/2010
WITH
CIVIL APPLICATION NO. 6683 OF 2023 IN FA/1780/2010
WITH
CIVIL APPLICATION NO. 6677 OF 2023 IN FA/1783/2010

Nilkanth Shesharao Sakhare And Ors

....Applicant

VERSUS

The State Of Maharashtra, Through The Collector, Latur And Anr

.....Respondent

.....

Advocate for Applicant : Mr. V.S. Kande

AGP for Respondent 1 : Mr. P.R. Bharaswadkar

Advocate for Respondent 2 : Mr. S.G. Sangle

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 17, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. Civil applications are filed for bringing the legal heirs of deceased respondents on record. At para 5 and 6 of the Civil Applications following reasons are given :-

"5. The applicants are residing 300 km away from the Aurangabad. The applicants contacted the learned advocate, afterwards they were advised to bring on record the legal heirs. Thereafter, the applicants give detail about the legal heirs and the application was prepared. As such there is delay of 325 days for bringing legal heirs, the same is not intentional or deliberate, the same is caused because of above said reason. Therefore, the delay may be condoned in the interest of justice and the L.R's of respondent No. 1 may kindly be taken on record.

6. That the applicant submits that, the applicants could not obtain death certificate of the deceased in time, thus, there was delay in filing the application for delay."

3. The learned counsel for other side has strongly opposed the applications on the ground that there is huge delay in two applications.

4. Considering the above submissions of the parties, Civil Application No. 6674/2023 filed for bringing the legal heirs of deceased respondent Nos. 2 in pending first appeal is allowed by condoning the delay of 325 days caused in filing the application. Necessary amendment be carried out within a period of two weeks.

5. Considering the above submissions of the parties, Civil Application No. 6677/2023 filed for bringing the legal heirs of deceased respondent No. 1 in pending first appeal is allowed by condoning the delay of 319 days caused in filing the application. Necessary amendment be carried out within a period of two weeks.

6. In Civil Application Nos. 6682/2023 and 6683/2023 filed for bringing the legal heirs of deceased respondent on record, there is delay of 2708 and 2729 days, respectively, list the above two applications on 14.2.2024.

(ARUN R. PEDNEKER, J.)

ssc/