



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 10380 OF 2022
IN FAST/36272/2017

DIGAMBAR SAMPATRAO NIRVAL (DIED) THR LRS MANIK AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA
AND ORS

Mr. Deepak M. Kakade, Advocate for the appellants
Mr.D. B. Bhange, AGP for the Respondents 1 and 2 State.
Mr. S. C. Arora, Advocate for Respondent No.3

CORAM : Y. G. KHOBRAGADE, J.
DATE : 22nd March, 2024

ORDER:

1. Heard Mr. Kakade, the learned counsel for the appellants, Mr. Bhange, the learned AGP for the respondents-State and Mr. Arora, the learned counsel for respondent no.3.
2. By the present application, the applicant prays for condonation of delay of 127 days caused in filing the application for bringing legal heirs of deceased appellant No.1 on record as well as setting aside the abatement and permission to bring the legal heirs of deceased appellant No.1 on record.
3. The delay is caused because the legal heirs were not knowing about the pendency of the appeal. The reason for the delay appears to be justifiable and bonafide and no prejudice would be caused to the respondents, if the application is allowed.
4. In view of the above, I am inclined to grant the present application and proceed to pass the following order:

O R D E R

- (A) Civil application is hereby allowed.
- (B) Delay of 127 days caused in filing the application for bringing the legal heirs of deceased appellant No.1 on record is hereby condoned.
- (C) Abatement is set aside.
- (D) The applicant is permitted to bring the legal heirs of the deceased appellant on record. Necessary amendment be carried out within seven days.
- (E) Office to register the appeal and place before this Court for further Action.

(Y. G. KHOBRADE, J.)

JPChavan