



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

**CIVIL APPLICATION NO. 10750 OF 2024
IN FA/1640/2010**

**BHIVRABAI RAMCHANDRA BADAME (DIED) THR. LRS NIVRATI
DIED THR. LRS ARCHANA AND ORS**

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND ANR

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Mr. S. S. Halkude, Advocate for the Applicants

Mr. V. M. Chate, AGP for Respondent – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 08.10.2024

PER COURT :-

1. By the present Application, the Applicants wanted to bring the legal heirs of deceased Appellant No.2 Nivrati Ramchandra Badame, who died on 13.01.2021, leaving behind his legal heirs as prescribed in paragraph No.2 of the present Application. The Applicants further prayed for condonation of delay of 830 days for filing the Application for bringing legal heirs of deceased Appellant No.2 and for setting aside the abatement.

2. The learned AGP appearing for the non applicant strongly opposed the Application. He submits that the delay has not been satisfactorily explained.

3. It is well settled principle of law that if the litigants offered a bona-fide and substantial reason, the delay for bringing the legal heirs and setting aside abatement, can be condoned and the Applicant/Appellant can be permitted to bring the legal heirs of deceased Appellant, on record. Since no prejudice is likely to be caused to the Respondent – State and the delay has been satisfactorily explained, therefore, I am of the view that the present Application needs to be granted. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The Civil Application is allowed. The delay of 830 days caused while filing the Application for bringing the legal heirs of deceased Appellant No.2, is hereby condoned. Accordingly, the abatement is set aside.
- (ii) The necessary amendment be carried out within a period of 14 days from today.

[Y. G. KHOBRADE, J.]

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