



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

**925 CIVIL APPLICATION NO. 8 OF 2023
IN FA/1852/2014**

**PANDIT KONDIBA PATEKAR (DIED) THR LRS.
ANJANABAI PANDIT PATEKAR AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA, THROUGH
COLLECTOR, JALNA AND OTHERS**

...
Advocate for Applicant : Mr.Swapnil S. Patunkar h/f. J.P.Legal
Associates

AGP for Respondent-State : Adv.P.R.Bharaswadkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 31.01.2024

P.C. :

1] The present Civil Application is filed to bring on record the legal heirs of deceased Pandit Kondiba Patekar by condoning delay of 1578 days in filing present Civil Application, so also, applicants are also seeking permission to withdraw the remaining 50% amount of compensation along with interest.

2] The learned counsel for the applicants submits that First Appeal No.1852 of 2014 is dismissed by order dated 04.09.2014. The learned counsel for the applicants further submits that 50% amount of compensation is already withdrawn by the claimant. The claimant has also produced on record heirship certificate at page No.12 of the

present Civil Application. The learned counsel further submits that the applicants are only legal heirs of deceased Pandit Kondiba Patekar. The learned counsel for the applicants submits that the applicants are rustic villagers could not inform the advocate regarding death of deceased, therefore, some delay is caused in filing the present Civil Application. The delay caused is not intentional and deliberate act. The learned counsel for the applicants submits that considering the said fact, the present civil application may be allowed.

3] For the reasons stated in the civil application, the same is allowed. Delay is condoned. The applicants are permitted to bring on record the legal heirs of deceased Pandit. The applicants are also permitted to withdraw the balance amount along with accrued interest thereon till date on furnishing usual undertaking to the satisfaction of the learned Registrar [Judicial] of this Court. The amendment to be carried out within one week. Civil Application is disposed of accordingly. At the request of the applicant, the cheque amount be issued in equal proportion to the applicants.

[ARUN R. PEDNEKER]
JUDGE