



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO. 2527 OF 2024
IN FA/836/2018

SHRIRANG RAMBHAU KADAM (DIED) THR LRS. VISHNU SHRIRANG
KADAM AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, JALNA
AND ORS

...

Mr. I. K. Wagh h/for Mr. K. M. More, Advocate for Applicants
Mr. S. V. Hange, AGP for Respondents 1 and 2-State
Mr. S. G. Bhalerao, Advocate for Respondent No.3.

CORAM : Y. G. KHOBRAGADE, J.

DATE : 22nd March, 2024

ORDER:

1. Issue notice to the respondents. Mr. Hange, the learned AGP waives service of notice on behalf of respondent Nos. 1 and 2 State and Mr. Bhalerao, the learned counsel waives service of notice on behalf of Respondent No.3.
2. Heard both sides at length.
3. By the present application, the applicant prays for condonation of delay of 1994 days caused in filing the application for bringing legal heirs of deceased appellant-claimant on record as well as setting aside the abatement and permission to bring the legal heirs of deceased appellant on record.

4. The learned counsel appearing for the acquiring body raised no serious objection.

5. Considering the reasons assigned that the deceased appellant died in Covid and the applicants were not having knowledge about filing of the application, the delay deserves to be condoned.

6. In view of the above, I am inclined to allow the present application and proceed to pass the following order:

ORDER

(A) Civil application is hereby allowed.

(B) Delay of 1994 days caused in filing the application for bringing the legal heirs of deceased appellant-claimant on record is hereby condoned.

(C) Abatement is set aside.

(D) The applicants are permitted to substitute their names in place of the deceased appellant. Necessary amendment be carried out within two weeks.

(Y. G. KHOBRADE, J.)