



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

CAF Nos.476/2025 and 475/2025 in First Appeal No.902/2022 (D)  
Ananda and others V State of Maharashtra

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. S.P Pawar, Advocate for appellants.  
Mr. Autkar, AGP for respondent.

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : 11-11-2025.**

Heard.

2. This is an application for condonation of delay in filing application for setting aside abatement and bringing on record the legal representatives of deceased appellant no.2.

3. Learned Counsel for applicants submits that the appeal was filed by the claimants seeking enhancement of compensation in land acquisition proceedings. During the pendency of the appeal, appellant no.2 Bhimrao had expired, however his legal representatives remained to be brought on record and the appeal came to be finally decided by judgment dated 12/01/2024. It is submitted that although appellant no.2 had expired during the pendency of the appeal, the judgment passed in favour of the dead person cannot be considered to be a nullity even though the fact of death of appellant no.2 was not brought to the notice of the Court when the final judgment was pronounced. Reliance is placed on the judgment in the matter of Jarnail Singh and others vs Saudagar Singh, reported in 2003 SCC OnLine P&H 446.

4. It is submitted that the legal representatives of appellant no.2 are entitled to receive the amount of enhanced compensation in terms of the final judgment and order passed in the first appeal and therefore the names of legal representatives need to be brought on record. It is stated that there is a delay of 310 days in filing the application which is unintentional and occurred because the appellants were not aware about the requirement to take immediate steps.

5. Learned AGP for respondent does not dispute the factual and legal aspects.

6. Having regard to the contents of the application and submissions advanced, the application is allowed. Delay of 310 days in filing the application for setting aside abatement and bringing on record the legal representatives of appellant no.2 is condoned.

7. However, considering the fact that application is filed after the appeal was decided, the application is allowed subject to costs of Rs. 5000/- to be paid by the applicants to the office of Government Pleaders Library within two weeks from today.

8. Civil application is allowed and disposed of.

**Civil Application (F) No. 475/2025**

Heard.

2. This is an application for setting aside abatement and bringing on record legal heirs of deceased appellant no.2.

3. Having regard to the fact that the legal representatives of the deceased appellant no.2 are entitled to claim the amount of compensation, as cause of action survives and for the reasons mentioned

in the application and submissions advanced, the application is allowed. The names of legal representatives of appellant no.2 be brought on record by carrying out necessary amendment within two weeks.

4. Application is allowed and disposed of.

**(Prafulla S. Khubalkar, J.)**