



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 1379 OF 2024
IN FIRST APPEAL (ST) NO. 21947 OF 2021
WITH
CIVIL APPLICATION NO. 16962 OF 2022 IN FAST/21947/2021

KISHANRAO BABARAO SURNAR (DIED) THROUGH L.RS. NANA @
NANASAHEB KISHANRAO SURNAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR NANDED
AND OTHERS

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Mr. Kiran M. Nagarkar – Advocate for Applicants
Mr. R.D. Raut – AGP for Respondent Nos.1 and 2, State

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 10th JANUARY, 2025

PER COURT :

CIVIL APPLICATION NO. 1379 OF 2024

1. This is an application filed for bringing on record legal representatives of deceased appellant No.1 – Kisanrao Babarao Surnar for condoning the delay of 6945 days and setting aside the abatement.
2. Perused the application. Heard learned advocate for the applicants and learned A.G.P. for the respondents, State.
3. Learned A.G.P. strongly opposed the application on the ground

that, there is no sufficient reasons for allowing the application for bringing on record legal representatives and setting aside the abatement.

4. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.

5. The abatement is set aside. The application is allowed and disposed of accordingly.

6. Amendment be carried out within one week.

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7. This application is filed for condonation of delay of 4653 days in filing the appeal.

8. Perused the application. Heard learned advocate for the applicants and learned A.G.P. for respondent Nos.1 and 2, State.

9. Considering the reasons stated in the application, the delay is not deliberately caused therefore, the application deserves to be allowed and delay of 4653 days stands condoned liberally in the interest of justice.

10. The application stands allowed and disposed of accordingly.

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11. Issue notice to the respondents, returnable on 21st February, 2025.
12. Learned A.G.P. waives service of notice for respondent Nos.1 and 2, State.
13. Call for record and proceeding.

**[SANJAY A. DESHMUKH]
JUDGE**