



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

**CIVIL APPLICATION NO. 4540 OF 2024
IN FA/1287/2014**

**Purushottamdas Gulabdas Shah Died Thr. Lrs Hiraben
Purushottamdas Shah And Ors**

VERSUS

**The State Of Maharashtra Though The Collector Aurangabad
And Another**

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**Mr. J. R. Shah, Advocate for Applicants
Mr. S. S. Dande, AGP for Respondent-State
Mr. S. V. Deshmukh, Advocate for Respondent no.2**

WITH

**CIVIL APPLICATION NO. 1914 OF 2024 IN RC/412/2020
IN X-OBJ (ST)/19071/2024 IN FA/1287/2014**

WITH

**CIVIL APPLICATION NO. 13893 OF 2023 IN RC/412/2020
WITH**

X-OBJECTION NO. 136 OF 2023 IN FA/2674/2013

WITH

FIRST APPEAL NO. 2674 OF 2013

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 14TH OCTOBER, 2025

ORDER :-

CIVIL APPLICATION NO. 4540 OF 2024 IN FA/1287/2014

. Mr. J. R. Shah, learned Advocate for the appellants submits that the appellant namely Purushottamdas Gulabdas Shah passed away on 30.11.2021. Mr. Shah, learned Advocate would submit that the interest of the deceased appellant as well as the right to sue and continue the proceedings is

devolved in the present applicant nos.1 to 6 in the capacity of legal representatives of the deceased Shri. Purushottamdas Gulabdas Shah. He would submit that the matter was old one and the applicants were not aware of the legal proceedings instituted by the deceased appellant correctly, as such they bonafidely failed to move to this Court to seek incorporation of their names in the First Appeal.

2. Mr. J. R. Shah, learned Advocate for the appellant submits that the appellant no.6 is a legatee in whose favour the deceased appellant has bequeathed the subject matter property.

3. It seems from the documents annexed to the Civil Application that indeed the applicant nos.1 to 5 have given no objection to the applicant no.6 in respect of any claim for interest of whatsoever nature in respect of the subject matter property and they have also accepted and agreed the interest and right of the applicant no.6 over the subject matter-property as a will deed is duly executed by the deceased appellant in the name of applicant no.6.

4. Mr. J. R. Shah, learned Advocate would submit that the status of the applicant no.6 would also be in the capacity of legal representative of deceased appellant to continue the right and interest of deceased appellant. Mr. Shah, learned Advocate would add that even the applicant nos.1 to 5 have given no objection for incorporation of the name of applicant no.6 in the appeal proceedings in the capacity of legal representative of deceased appellant. He further submits that for the reasons mentioned in the application, the delay may not be treated as a deliberate or out of any lethargy and same be condoned. Mr. Shah, learned Advocate would further requested to allow the application.

5. In view of above, applicants are permitted to amend the title clauses of the appeal memo as also the applications filed therein by incorporating the names of applicants in the capacity of legal representative of deceased Purushottamdas Gulabdas Shah.

6. Mr. S. V. Deshmukh, learned Advocate for the Acquiring Body as also the appellant in the Cross Objection places his no objection for such amendment in the title clauses of the First Appeal and the applications filed therein.

7. In view of above, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Applicants are permitted to amend the title clauses of the First Appeal as also the applications pending therein by incorporating the names of the applicants in the capacity of legal representatives of deceased appellant late Shri. Purushottamdas Gulabdas Shah.
- c. For the reasons recorded above, the applicant no.6 is permitted to continue prosecuting the First Appeal as also defending the Cross Objection in the capacity of the legal representative of the appellant as also on the basis of the will deed which is admitted and accepted by the applicant nos. 1 to 5.
- d. Civil Application stands disposed of.

**CIVIL APPLICATION NO. 1914 OF 2024 IN RC/412/2020
IN X-OBJ (ST)/19071/2024 IN FA/1287/2014**

. This Civil Application is filed by the Acquiring Body seeking restoration of the Cross Objection and also setting aside the order dated 11.02.2020, passed by the learned Registrar (Judicial) of this Court, whereby registration of the

Cross Objection St. No.19071 of 2014 in First Appeal No.1287 of 2014 was refused.

2. Mr. S. V. Deshmukh, learned Advocate would submit that there is delay of 1366 days caused in preferring the present Civil Application. Mr. Deshmukh, learned Advocate would submit that inadvertently office objections were remained to be removed by the appellant in the Cross Objection. He would submit that there is no lethargy or negligence on the part of any authority in getting restored the Cross Objection. He further submits that in the meantime even the panel of the counsels for the CIDCO/Acquiring Body was also changed and as soon as the file was handed over to the present advocate, immediately steps were taken for restoration of the Cross Objection. In view of this, Mr. Deshmukh, learned Advocate submits that the delay of 1366 days caused in filing the present Civil Application be condoned, the order dated 11.02.2020, passed by the learned Registrar (Judicial) of this Court be quashed and set aside and the Cross Objection be restored to its original position.

3. In view of the order passed in Civil Application No.4540 of 2024, Mr. S. V. Deshmukh, learned Advocate for the

appellant in the Cross Objection seeks permission to amend the title clauses of the Cross Objection as well as the applications, if any, filed therein

4. In view of above, permission granted. Appellant in the Cross Objection shall carry out necessary amendment in the title clauses of the Cross Objection as well as applications filed therein within six weeks from today.

5. Mr. J. R. Shah, learned Advocate for the respondent/appellant in the First Appeal would fairly places his no objection to pass appropriate order and to restore the Cross Objection.

6. In view of this, I pass following order:

ORDER

a. For the reasons stated in the application delay of 1366 days caused in filing the present Civil Application stands condoned.

b. Order dated 11.02.2020, passed by the learned Registrar (Judicial) of this Court thereby refusing registration of Cross Objection St. No.19071 of 2014 in First Appeal No.1287 of 2014 is quashed and set aside. The Cross Objection stands restored to its original position.

- c. Applicant is permitted to remove all the office objections within six weeks from today. Failing to which, this order shall not remain any more in operation.
- d. Civil Application stands disposed of.

CIVIL APPLICATION NO. 13893 OF 2023 IN RC/412/2020

. Mr. J. R. Shah, learned Advocate for the applicant submits that this application is filed seeking permission to withdraw the amount deposited by the Acquiring Body in this Court.

2. Considering the fact that today this Court has allowed the applicant/appellant in the First Appeal as also the appellant in the Cross Objection to amend the title clauses of their respective proceedings, this application shall be considered on the next date.

3. Post this matter on 10.12.2025, for further consideration.

(AJIT B. KADETHANKAR, J.)