



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

**CIVIL APPLICATION NO. 3502 OF 2023
IN FA/1588/2016**

Santosh Nagnath More @ Santosh Nagnath Mote And Ors

VERSUS

The State Of Maharashtra Through Collector, Osmanabad And
Anr

...

Mr. S. N. Patne, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents-State

...

WITH

**CIVIL APPLICATION NO. 3542 OF 2023
IN FA/1588/2016**

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 29TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 3502 OF 2023 IN FA/1588/2016

1. Feeling aggrieved by the judgment and award dated 16.01.2014, passed by learned Civil Judge, Senior Division, Osmanabad in L.A.R. No.495 of 2011, the Acquiring Body has filed present First Appeal.

2. Mr. S. N. Patne, learned Advocate would submit that during the pendency of the appeal, the claimant namely Balaji Nagnath More is died leaving behind his legal representatives no.2A to 2C. Mr. Patne, learned Advocate would further

submit that there is delay of 263 days in filing the application to bring the legal representatives of the deceased claimant on record. He would submit that due to unawareness of the legal proceeding pending in this Court, the delay is caused. The delay is not deliberate or negligent on any part of either of the present applicants. In view of this, he requests that the application be allowed by bringing legal representatives of deceased claimant no.2 on record by condoning delay.

3. Mr. S. S. Dande, learned AGP fairly places his no objection to allow the application.

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

ORDER

- a. Civil Application stands allowed.
- b. Delay of 263 days caused in filing Civil Application stands condoned.
- c. The Appellant/Acquiring Body to amend the appeal memo and title clause of appeal and applications therein by incorporating the names of present applicant nos.2A to 2C as legal representatives of deceased Balaji Naagnath More.
- d. Civil Application stands disposed of.

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. Mr. S. N. Patne, learned Advocate would submit that due to typographical mistake, surname of present applicant nos.1 and 2 are mentioned in the L.A.R. No495 of 2011 as More instead of Mote. Mr. Patne, learned Advocate further submits that the mistake was purely typographical and was at the instance of the applicants themselves. In view of this, Mr. Patne seeks directions to remand back the Record and Proceeding of present First Appeal to the learned Reference Court so as to enable the applicants to take appropriate steps for correcting their names in the record.

2. At the risk of the applicants, the Record and Proceeding in First Appeal No.1588 of 2016 be remitted back to the Court of learned Civil Judge, Senior Division, Osmanabad to enable the applicants to lodge appropriate proceeding to seek correction in the title clause of that Land Acquisition Reference.

3. Mr. S. S. Dande, learned AGP placed his no objection for this.

4. In view of above, Civil Application stands allowed. Registry is directed to remit back the Record and Proceeding

of First Appeal No.1588 of 2016 to the Court of learned Civil Judge, Senior Division, Osmanabad to enable the present applicants to take appropriate steps to carry amendment in the title clause of the Land Acquisition Reference Application.

5. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025