



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

**5 CIVIL APPLICATION NO. 4612 OF 2022
IN X-APLST/39523/2019**

**HAJI JAHIRODDIN AMINODDIN JAHAGIRDAR AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, 3 U.T.PH AND
ANR**

**WITH CIVIL APPLICATION NO. 8925 OF 2019 IN
FA/1654/2020 WITH CIVIL APPLICATION NO. 8927 OF 2019
IN FA/1655/2020 WITH CIVIL APPLICATION NO. 9120 OF
2023 IN FA/1654/2020 WITH CIVIL APPLICATION NO. 9121
OF 2023 IN FA/1655/2020 WITH CIVIL APPLICATION NO.
4610 OF 2022 IN X-APLST/39530/2019 WITH CIVIL
APPLICATION NO. 4614 OF 2022 IN X-APLST/39523/2019
WITH CIVIL APPLICATION NO. 4609 OF 2022 IN
X-APLST/39530/2019**

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Advocate for Claimants : Mr. Bhokarikar M. M.
AGP for Respondent/s-State : Mr. B. A. Shinde.
Advocate for Acquiring Body : Mr. S. S. Chillarge.
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**CORAM : SHAILESH P. BRAHME, J.
DATE : 15.10.2025**

PER COURT :-

**Civil Application No.9120 of 2023
Civil Application No.4614 of 2022
Civil Application No.9121 of 2023
Civil Application No.4610 of 2022**

1. Heard both sides.
2. Both the parties are praying for condonation of delay, setting aside abatement and bringing legal heirs of deceased party on record.

3. First Appeal Nos.1654 of 2020 and 1655 of 2020 were filed by acquiring body and the steps are taken to bring legal heirs of deceased respondents/claimants. Cross Appeal Stamp Nos.39523 of 2019 and 39530 of 2019 are preferred by the claimants for enhancement. Civil Application Nos.4614 of 2022 and 4610 of 2022 are filed for taking steps against the deceased parties by bringing their heirs on record.

4. In all applications, I find that cause of action survives against the heirs of the deceased party. They are necessary parties and they stepped into shoes of original claimants. First appeals as well as cross appeals are yet to be decided finally. For the reasons stated in the applications, I find it fit to condone delay in taking steps against deceased party.

5. Civil applications are partly allowed by condoning the delay, setting aside abatement. Permission is given to bring legal heirs on record.

6. Civil Application Nos.4614 of 2022 and 4610 of 2022 stand rejected to the extent of prayer of deletion of the deceased party.

7. In view of the above, civil applications are disposed of accordingly.

Civil Application No.4612 of 2022
Civil Application No.4609 of 2022

8. Applicants seek to condone delay of 1959 days in preferring cross appeals.

9. Learned counsel for the applicants seeks and presses into service the reasons mentioned in the applications for condonation of delay. It is contended that first appeals preferred by the acquiring body are still pending and there is no difficulty in condoning delay and hearing the cross appeals along with first appeals filed by the acquiring body.

10. Applications are opposed by learned counsel for the acquiring body and learned AGP.

11. Appeals preferred by the acquiring body are yet to be decided. In the interest of justice, I deem it appropriate to condone the delay so that cross appeals can be dealt with simultaneously. Civil Applications are allowed and delay stand condoned on condition that in case applicants succeed in cross appeals, they will not entitle to interest and the statutory benefits for the delayed period.

Civil Application No.8927 of 2019
Civil Application No.8925 of 2019

12. As the amount has been deposited by the acquiring body, ad-interim relief granted earlier shall stand confirmed.

13. Civil applications for stay are disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-