



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO. 5414 OF 2025
IN FA/1493/2012

NATHU AMBARSING PATIL THR POWER OF ATT
RAVINDRA NAHTU PATIL

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER JALGAON

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Advocate for Applicants : Mr. Kshirsagar Hemraj P.

AGP for Respondent/s-State : Mr. S. M. Ganachari.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.05.2025

PER COURT :-

1. Applicants are seeking condonation of delay in setting aside abatement and substitution of themselves as legal heirs of original claimant Nathu Ambarsing Patil as well a Ravindra Natthu Patil.

2. Nathu Ambarsing Patil who was original claimant had filed First Appeal No.1493 of 2012 through his power of attorney Mr. Ravindra Natthu Patil who was his son. He died on 29.07.2017. But, this fact was not brought to the notice of the Court. His son who was Power of Attorney should have taken steps or intimated about the death. In this situation, first appeal was finally decided vide judgment and order dated

24.01.2018. Thereafter, attorney Ravindra Natthu Patil died on 31.08.2019. His death certificate is on record. Applicant Nos.1a to 1d are heirs of Ravindra as well as original claimant Nathu.

3. There is delay in taking steps to substitute dead persons. There are lapses on the part of the applicants. However, I do not find that there was any oblique motive. There is no dispute that applicant Nos.1a to 1d are entitled to receive enhancement of compensation with interest. I deem it appropriate to allow the application.

4. Civil application is allowed. Delay in setting aside abatement and bringing heirs of deceased Nathu Ambarsing Patil is condoned and applicant Nos.1a to 1d shall be substituted.

5. Delay in setting aside abatement and bringing heirs of Ravindra Natthu Patil is condoned. Applicant Nos.1a to 1d shall be treated as his heirs.

6. Amount deposited in this Court with accrued interest shall be disbursed to applicant Nos.1a to 1d and applicant No.1a shall receive the same on their behalf.

7. Applicant shall pay costs of Rs.5,000/- to the Advocate's Association of Bombay High Court, Bench at Aurangabad.

(SHAILESH P. BRAHME, J.)

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vmk/-