

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

**941 CIVIL APPLICATION NO. 2607 OF 2024
IN FAST/17690/2018
WITH
CIVIL APPLICATION NO. 2606 OF 2024
IN FAST/17690/2018**

**DHANU SHIVAJI SURWADE (DIED) THR LRS TOTARAM
(DIED) THR LRS ANJANABAI T. SURWADE AND ORS
VERSUS
THE DISTRICT COLLECTOR, THR SPECIAL LAND
ACQUISITION OFFICER-3, U.T.P.H. JALGAON AND ANR**

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Mr. I.K. Wagh, Advocate holding for Mr. K.M. More,
Advocate for the applicants.

Mr. R.D. Raut, A.G.P. for respondent No.1/State.

Mr. S.R. Patil, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 26 FEBRUARY 2025.

ORDER:-

IN CIVIL APPLICATION NO. 2607 OF 2024 :

1. Heard rival submissions.
2. The application is filed by the appellants/claimants for bringing legal representatives of deceased Totaram Dhanu Surwade on record, who admittedly died on 24.09.2015. It is significant to note that the aforesaid Totaram had in fact died before the passing judgment by the learned Reference Court and at that time his legal representatives were not brought on record. However, the reference petition was continued by other

claimants. Moreover, the legal representatives of deceased Totaram alongwith the other claimants havd filed this appeal for enhancement of compensation. As such, there is no need to bring on record the legal representatives of deceased Totaram separately as they are also the appellants alongwith other claimants. As such, the application is allowed by granting permission to the legal representatives of deceased Totaram to prosecute the present appeal alongwith other claimants.

3. The application is accordingly disposed of.

IN CIVIL APPLICATION NO. 2606 OF 2024 :

1. Heard rival submissions.
2. The applicants are seeking condonation of delay of 611 days in filing the appeal, which appears to be caused due to their poor financial condition.
3. The learned counsel for the respondent Acquiring Body strongly opposed the application on the ground that the delay is not properly explained and it is inordinate.
4. However, considering the statutory right of the applicants and for the reasons stated in the application, the application is allowed and the delay of 611 days in this application stands condoned subject to cost of Rs. 1,000/- to be deposited with

the Registry of this Court for utilization of High Court Dispensary within two weeks and also subject to condition that the applicants shall not claim any interest and statutory benefits for the period of aforesaid delay.

5. The appeal be placed for admission after removal of office objections, if any, and deposit of cost.

6. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)