



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

919 FIRST APPEAL NO. 1426 OF 2012

Bhanudas Sakharam Kuber

VERSUS

The State Of Mah

...

Mr. Dhage Babasaheb V, Advocate for Appellant

Mr. V. V. Jahagirdar, AGP for Respondents/State

WITH

CIVIL APPLICATION NO. 9123 OF 2024

IN FA/1426/2012

Bhanudas Sakharam Kuber Died Thr Lrs Rukhminibao Bhanudas

Kuber And Ors

VERSUS

The State Of Maharashtra Thr Land Acquisition Officer, Sub-
divisional Officer, Aurangabad

...

Mr. Pingale Durgesh M, Advocate for Applicant

Mr. V. V. Jahagirdar, AGP for Respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 04.12.2025

PER COURT :-

CIVIL APPLICATION NO. 9123 OF 2024

IN FA/1426/2012

1. This is an application for condonation of delay of 1513 days caused in filing the application for bringing the legal representatives of deceased Appellant- Bhanudas on record, for setting aside the abatement and for permission to amend the appeal memo to bring the legal representatives of the deceased appellant on record.

2. Heard learned advocate for the applicants and the learned AGP for the State.

3. Perused the application. There is a delay of 1513 days in bringing the legal representatives of the deceased appellant on record. As per the reasons stated in the application, there was no communication between the advocate and the proposed legal representatives of the appellants and some time was required for collection of the necessary documents.

4. During the arguments, the learned AGP for the State strongly opposed the application and submitted that the appellant has given false reasons which are not justifiable to condone the delay. He submitted to reject the application, as there is no sufficient reason to condone the delay as contemplated under Section 5 of the Limitation Act.

5. On perusal of the application, considering the status of the parties and the time required for bringing the legal representatives of the deceased appellant on record, it appears that the delay is neither deliberate nor intentional. Therefore, in the interest of justice, the application deserves to be allowed so that the

First Appeal can be decided finally on merits. The application is accordingly allowed in terms of prayer clauses 'B', 'C' and 'D'.

6. The applicants are directed to carry out the amendment in the appeal memo within one week. After carrying out the amendment, a copy of the amended appeal memo be provided to the learned AGP for the State.

7. List the First Appeal on 12.12.2025.

[SANJAY A. DESHMUKH, J.]

HRJadhav