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

**943-2 CIVIL APPLICATION NO. 6947 OF 2025
IN FA/3345/2023**

**SHIVAJI SIDRAM CHAUGULE, DIED, THROUGH LRS
PUSHPAWATI AND OTHERS**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr Shashikiran N. Patil, Advocate for applicants
Mr S. K. Shirse, A.G.P. for respondent Nos.1 & 2
Mr A. S. Shelke, Advocate for respondent No.3

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 10th July, 2025

PER COURT:

1. This is an application by the legal representatives of the deceased respondent No.1 (claimant) for substituting their names in place of respondent No.1, by condoning delay of 1137 days.
2. Heard Advocate Mr Patil learned counsel for the applicants, learned A.G.P. for respondent Nos.1 and 2 and Advocate Mr Shelke, learned counsel for respondent No.3 (original appellant).
3. Learned counsel for the applicants submits that the applicants were not aware about the need for filing application for substitution of their names immediately and the delay occurred on account of their illiteracy. It is stated that the delay is not deliberate and the same may be condoned in the interest of justice.

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4. Learned A.G.P. and Advocate Mr Shelke, learned counsel for respondent No.3 oppose the application and submit that the delay is inordinate and there is no sufficient cause mentioned in the application.

5. Considering the contents of this civil application and in view of the fact that the applicants are the legal representatives of respondent No.1, whose land came to be acquired, their names need to be substituted in place of respondent No.1. Although the period of delay is 1137 days and there is no sufficient cause explaining the huge delay, the same needs to be condoned by imposing costs of Rs.1,000/- to be deposited by the applicant with the Advocate Association's Bar Library, High Court, Aurangabad within a period of two weeks from today.

6. The civil application is allowed. Names of the applicants be substituted in the original appeal as well as in the application for withdrawal of amount within a period of two weeks from today.

(PRAFULLA S. KHUBALKAR, J.)

sjk