IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

946 FIRST APPEAL NO. 1831 OF 2011

The Deputy Inspector Of General Border Security Force Indore

VERSUS

The State Of Mah And Ors

...

Mr. Ajay G. Talhar, Advocate for Appellant Nos. 1 & 2
Mr. S. B. Jadhav, AGP for Respondents/State in respective matters
Mr. H. B. Nandgavale, Advocate for applicants/claimants in CA/13846/2025 and CA/13850/2025
Mr. R. K. Ashtekar, Advocate for applicants/claimants in respective matters

WITH
X-OBJECTION NO. 158 OF 2022
IN FA/2699/2011
WITH
CIVIL APPLICATION NO. 3831 OF 2010
IN FA/2703/2011
WITH
FIRST APPEAL NO. 2612 OF 2011
WITH
CIVIL APPLICATION NO. 3803 OF 2010
IN FA/2612/2011
WITH
FIRST APPEAL NO. 1227 OF 2016
WITH
FIRST APPEAL NO. 2695 OF 2011
WITH
FIRST APPEAL NO. 2614 OF 2011
WITH
CIVIL APPLICATION NO. 3811 OF 2010
IN FA/2614/2011
WITH
FIRST APPEAL NO. 2697 OF 2011
WITH
CIVIL APPLICATION NO. 3533 OF 2010
IN FA/2697/2011
WITH
FIRST APPEAL NO. 2623 OF 2011

WITH
FIRST APPEAL NO. 2727 OF 2023
WITH
FIRST APPEAL NO. 2726 OF 2023
WITH
FIRST APPEAL NO. 1838 OF 2011
WITH
FIRST APPEAL NO. 1835 OF 2011
WITH
FIRST APPEAL NO. 2609 OF 2011
WITH
X-OBJECTION NO. 245 OF 2025
IN FA/3837/2016
WITH
CIVIL APPLICATION NO. 13850 OF 2025
IN X-OBJST/36598/2025
WITH
CIVIL APPLICATION NO. 3833 OF 2010
IN FA/2702/2011
WITH
FIRST APPEAL NO. 2698 OF 2011
WITH
CIVIL APPLICATION NO. 3471 OF 2022
IN FA/2563/2009
WITH
CIVIL APPLICATION NO. 13846 OF 2025
IN FA/1023/2009
WITH
FIRST APPEAL NO. 2607 OF 2011
WITH
CIVIL APPLICATION NO. 3829 OF 2010
IN FA/2607/2011
WITH
FIRST APPEAL NO. 2616 OF 2011
WITH
CIVIL APPLICATION NO. 3473 OF 2022
IN FA/2565/2009
WITH
CIVIL APPLICATION NO. 3472 OF 2022
IN FA/2566/2009
WITH

FIRST APPEAL NO. 2559 OF 2009
WITH
FIRST APPEAL NO. 2560 OF 2009
WITH
FIRST APPEAL NO. 1028 OF 2009
WITH
FIRST APPEAL NO. 1025 OF 2009
WITH
CIVIL APPLICATION NO. 3835 OF 2010
IN FA/2622/2011
WITH
FIRST APPEAL NO. 2618 OF 2011
WITH
CIVIL APPLICATION NO. 3786 OF 2010
IN FA/2618/2011
WITH
FIRST APPEAL NO. 2696 OF 2011
WITH
CIVIL APPLICATION NO. 3784 OF 2010
IN FA/2696/2011
WITH
FIRST APPEAL NO. 2702 OF 2011
WITH
FIRST APPEAL NO. 2606 OF 2011
WITH
CIVIL APPLICATION NO. 3794 OF 2010
IN FA/2606/2011
WITH
FIRST APPEAL NO. 2705 OF 2011
WITH
FIRST APPEAL NO. 1832 OF 2011
WITH
CIVIL APPLICATION NO. 3769 OF 2010
IN FA/1832/2011
WITH
FIRST APPEAL NO. 2562 OF 2009
WITH
FIRST APPEAL NO. 2567 OF 2009
WITH
FIRST APPEAL NO. 2561 OF 2009
WITH

FIRST APPEAL NO. 2564 OF 2009
WITH
FIRST APPEAL NO. 1022 OF 2009
WITH
FIRST APPEAL NO. 1027 OF 2009
WITH
FIRST APPEAL NO. 1024 OF 2009
WITH
FIRST APPEAL NO. 2615 OF 2011
WITH
CIVIL APPLICATION NO. 1168 OF 2022
IN FA/1768/2015
WITH
FIRST APPEAL NO. 2701 OF 2011
WITH
FIRST APPEAL NO. 2619 OF 2011
WITH
FIRST APPEAL NO. 1833 OF 2011
WITH
FIRST APPEAL NO. 2703 OF 2011
WITH
FIRST APPEAL NO. 2699 OF 2011
WITH
CIVIL APPLICATION NO. 3776 OF 2010
IN FA/2699/2011
WITH
CIVIL APPLICATION NO. 3790 OF 2010
IN FA/2695/2011
WITH
FIRST APPEAL NO. 2611 OF 2011
WITH
FIRST APPEAL NO. 2700 OF 2011
WITH
CIVIL APPLICATION NO. 3824 OF 2010
IN FA/2700/2011
WITH
CIVIL APPLICATION NO. 3808 OF 2010
IN FA/2613/2011
WITH
FIRST APPEAL NO. 2608 OF 2011
WITH

FIRST APPEAL NO. 2613 OF 2011
WITH
FIRST APPEAL NO. 2622 OF 2011
WITH
FIRST APPEAL NO. 1834 OF 2011
WITH
FIRST APPEAL NO. 1836 OF 2011
WITH
FIRST APPEAL NO. 2605 OF 2011
WITH
CIVIL APPLICATION NO. 3767 OF 2010
IN FA/2605/2011
WITH
CIVIL APPLICATION NO. 3765 OF 2010
IN FA/2615/2011
WITH
FIRST APPEAL NO. 2620 OF 2011
WITH
CIVIL APPLICATION NO. 3770 OF 2010
IN FA/2620/2011
WITH
FIRST APPEAL NO. 1837 OF 2011
WITH
CIVIL APPLICATION NO. 3763 OF 2010
IN FA/2609/2011
WITH
FIRST APPEAL NO. 2610 OF 2011
WITH
CIVIL APPLICATION NO. 3816 OF 2010
IN FA/2610/2011
WITH
FIRST APPEAL NO. 2617 OF 2011
WITH
FIRST APPEAL NO. 2621 OF 2011
WITH
CIVIL APPLICATION NO. 3805 OF 2010
IN FA/2621/2011
WITH
FIRST APPEAL NO. 3839 OF 2016
WITH
FIRST APPEAL NO. 3838 OF 2016

WITH
FIRST APPEAL NO. 3840 OF 2016
WITH
FIRST APPEAL NO. 3837 OF 2016
WITH
X-OBJECTION NO. 243 OF 2025
IN FA/3840/2016
WITH
X-OBJECTION NO. 244 OF 2025
IN FA/3839/2016
....

CORAM : SANJAY A. DESHMUKH, J.
DATE : 16.12.2025

PER COURT :-

CIVIL APPLICATION NO. 3471 OF 2022
CIVIL APPLICATION NO. 3472 OF 2022
CIVIL APPLICATION NO. 3473 OF 2022
CIVIL APPLICATION NO. 1168 OF 2022
CIVIL APPLICATION NO. 13846 OF 2025

1. Heard.

2. These are the applications for condonation of 2384, 1694, 3214, and 1164 days delay respectively caused in filing the Civil Applications for bringing the legal representatives of deceased claimants on record as well as for setting aside abatement.

3. Learned advocate Mr. A. G. Talhar for the respondents strongly opposed the applications and submitted that sufficient reasons are not given in the applications to condone the delay and lastly prayed to reject the applications.

4. Perused the applications. Considering the reasons stated therein, it appears that the delay is not deliberately caused. Hence, the applications deserve to be allowed in the interest of justice. Hence, the following order:

::ORDER::

1. The applications are allowed by setting aside the abatement.

2. The delay of 2384, 1694, 3214, and 1164 days respectively caused in filing the Civil Applications for bringing the legal representatives of deceased claimants on record is condoned.

3. The applicants are directed to amend the appeal memo by bringing the legal representatives of the deceased claimants on record within three days.

4. The Civil Applications are disposed of.

FIRST APPEAL NO.2697 OF 2011
FIRST APPEAL NO.2613 OF 2011
FIRST APPEAL NO.2620 OF 2011
FIRST APPEAL NO.2617 OF 2011
FIRST APPEAL NO.2623 OF 2011

1. The claimants in their appeals have prayed for bringing the legal representatives of deceased claimants on record. In these appeals claimants are respondents.

2. Considering the fact that these appeals are old, the appellant is directed to carry out amendment by bringing the legal representatives of the deceased respondent/s claimant/s on record.

3. It is clarified that, to save time, formality of filing the applications is not necessary in the interest of justice.

4. Amendment be carried out within three days.

CIVIL APPLICATION NO. 13850 OF 2025
IN X-OBJST/36598/2025

1. Heard.

2. This is an application for condonation of delay of 5174 days caused in filing the Cross-Objection.

3. The learned Advocate for respondent strongly opposed the application and submitted that there is no sufficient reason to condone the delay.

4. Perused the application. For the reasons stated therein, the application deserves to be allowed in the interest of justice as the delay is neither deliberate nor intentional. Hence, the following order:

::ORDER::

a. Civil Application is allowed.

b. The delay of 5174 days caused in filing the Cross-Objection is hereby condoned.

c. It is clarified that the applicant shall not be entitled for the statutory benefits like interest etc., for the period of delay.

d. The application is disposed of.

STAY APPLICATIONS

1. These are the applications seeking stay to the execution of the impugned judgment and award.

2. The learned advocates for the applicants / appellants submits that the entire amount as per the impugned judgment and award is deposited in this Court.

3. In view of the above, the applications are allowed in terms of prayer clause 'B' and disposed of.

. List the matters on 22.12.2025.

[SANJAY A. DESHMUKH, J.]

HRJadhav