



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

**CIVIL APPLICATION NO. 11337 OF 2024
IN FAST/25647/2022**

Godavaribai Dattu Mahajan (died) Thr. Lrs Vijay Dattu Mahajan And Ors
VERSUS
The Collector, Jalgaon And Others

Mr.V.B.Patil, Advocate for applicant
Mrs.K.B.Patil Bharaswadkar, AGP for respondent nos.1 to 3
Mr.C.T.Jadhav, Advocate for respondent no.4

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : JANUARY 03, 2025

ORDER :-

Heard.

2. This application has been filed with the following prayers:-

[B] By appropriate order or direction, delay of 564 days caused in filing this Civil Application may kindly be condoned.

[C] By appropriate order or direction, the order of abetment in view of death of appellant namely, Godavaribai Dattu Mahajan dated on 25.12.2022 in First Appeal Stamp No.25647 of 2022 and First Appeal No.2310 of 2020 may please kindly be set aside.

[D] By appropriate order or direction, may please kindly be allow to amend the First Appeal Stamp No.25647/2022 and to continue the First Appeal in the name of applicant no.2 namely Ramesh Dattu Mahajan and for that purpose appropriate orders may kindly be passed in favour of the applicants.

[E] By appropriate order or direction, may please kindly be direct to respondent nos.1 to 5 to amend the First Appeal No.2310 of 2020 and to continue the First Appeal in the name of applicant no.2 namely, Ramesh Dattu Mahajan or allow to applicant no.2 to amend the said appeal and for that purposes appropriate orders may kindly be passed in favour of applicants.

3. It is submitted by learned counsel for the applicants that the legal representatives of the deceased Godavaribai have relinquished their rights over the acquired land and given their consent in favour of Ramesh Dattu Mahajan to continue the appeal. He further submits that the affidavits of the persons who have relinquished their rights, are enclosed with the application..

4. On the previous occasion, notices were issued in the application. Learned counsel for the respondent - acquiring body is present. He opposes the application.

5. On perusal of the papers, it is clear that the deceased Godavaribai had executed a will in favour of said Ramesh. Execution of the will is admitted by applicant nos.1, 3 and 4. The verification of the applicants has been made before the office of this Court. They have been duly identified by Mr.V.B.Patil, learned counsel for the applicants.

6. In view of the above, we allow the application in terms of prayer clauses [B], [C], [D] and [E].

7. It is needless to state that the applicants had, earlier, preferred another application, which was allowed to be withdrawn vide order dated 19.07.2024, with liberty to file afresh by making all the legal representatives of the deceased as applicants.

8. Learned counsel for the acquiring body submits that he will carry out the consequential amendment in the appeal preferred by the acquired body, within two weeks.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP