



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 CIVIL APPLICATION NO. 10356 OF 2023
IN FAST/11918/2020

SK. MOHMAD IBRAHIM S/O FATHEULLAH

VERSUS

THE STATE OF MAHARASHTRA THR DIST. COLLECTOR,
NANDED AND ORS

WITH CIVIL APPLICATION NO. 14058 OF 2025
IN FAST/11918/2020

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Advocate for Applicant : Mr. Atharva R. Mharolkar h/f Mr.
Nagarkar Kiran M.

AGP for Respondent/s-State : Mr. N. R. Dayma.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 22.12.2025

PER COURT :-

1. Applicant seeks to condone delay of 193 days in preferring appeal.
2. The averments have not been controverted by the respondents. There are no malafides on the part of the applicant. It reveals that appellant did not bother to circulate the matter from the date of filing i.e. 01.07.2020 till 09.07.2025. The lapses are attributable to the applicant. He is also not entitled to interest and statutory benefits for the delayed period and lapses.
3. The delay stands condoned on condition that the applicant shall not be entitled to interest and statutory benefits

for the delayed period and lapses. Civil application for delay is allowed.

Civil Application for L.Rs.

4. Applicants seek to condone delay of 915 days in setting aside abatement and bringing legal heirs of sole applicant Shaikh Mohamad Ibrahim Fatheullah on record. The cause of action survives as against the legal heirs. The delay is unintentional.

5. Civil application is allowed in terms of prayer clauses “B” to “D”.

First Appeal

6. **Admit.**

7. Learned AGP waives service of notice for respondents-State.

8. Call for Record and Proceedings from the concerned Court.

9. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

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