



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
938 CIVIL APPLICATION NO. 3865 OF 2025
IN FA/2355/2010**

**SUMANBAI INDRAJEED HATKADAKE AND ORS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE COLLECTOR JALNA AND ORS.**

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Advocate for the Applicants : Mr.Navandar Gopal C.
APP for Respondents/State: Mr. S.M.Ganachari

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 4th APRIL 2025**

PER COURT :

. This application is for condonation of delay and setting aside abatement which is legal fiction and bringing legal heirs of deceased Applicant No.2 on record.

2. Applicants have filed first appeal for enhancement of the compensation awarded by the reference court. Applicant No.2 died on 26.08.2021. The applicant Nos. 2A and 2B are the heirs of deceased applicant no.2 which are seeking substitution.

3. I have gone through the contends of the applications. Though there is delay, there are no mala-fides which can be attributable to the applicants. The cause of action survives against heirs of deceased Applicant No.2.

4. Civil Application is allowed in terms of the prayer clause (b), (c) and (d).
5. Amendment be carried out within two weeks.

[SHAILESH P BRAHME, J.]

vsj..