



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

**918 CIVIL APPLICATION NO. 9998 OF 2024
IN FAST/11857/2016**

**SHANKARRAO RAMRAO KOHALE (DIED) THR. LRS. MANGAL
@ MANGALBAI W/O SHANKARRAO KOHALE & ORS**

VERSUS

**THE STATE OF MAHARASHTRA, THROUGH THE
COLLECTOR, LATUR AND ORS**

**WITH CIVIL APPLICATION NO. 8322 OF 2016 IN
FAST/11857/2016**

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Advocate for Applicants : Mr. Patil B. N.
AGP for Respondent/s-State : Mr. K. K. Naik.

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 02.05.2025**

PER COURT :-

1. Civil application No.9998 of 2024 is for condonation of delay of 823 days, setting aside abatement and bringing heirs of applicant, original claimant Late Shankarrao Ramrao Kohale on record. The acquiring body has preferred first appeal challenging judgment and award passed by this Court on 01.03.2013. A separate application is filed for condonation of delay. The delay is yet to be condoned.

2. Learned counsel Mr. Patil for the applicants submits that in fact it is the respondent/acquiring body who has to take steps to bring heirs of deceased applicant on record. Applicant

died on 20.05.2021. Heirship certificate is also placed on record indicating that applicant Nos.1 to 7 are the legal heirs of deceased applicant.

3. Learned AGP fairly accepts the above position.

4. First appeal preferred by the respondents is yet to be registered. If the present application is allowed that will expedite the matter. The reason stated by the applicants in the application are good enough to condone the delay, to set aside abatement and to grant them permission to bring heirs of deceased applicant on record.

5. Civil application is allowed in terms of prayer clauses "B" and "C".

6. Respondents shall bring the heirs of deceased Shankarrao Ramrao Kohale on record as shown in the clause title of civil application in default the legal heirs are also entitled to carry out the amendment.

In civil application No.8322 of 2016

7. This application is for condonation of delay of 1046 days in preferring appeal assailing judgment and award dated 01.03.2013 in LAR No.773 of 2002.

8. Learned AGP adverts my attention to paragraph Nos.2 to 6 which are good grounds for condoning the delay.

9. Mr. Patil appearing for claimant would submit that acquiring body has not deposited any amount of compensation. If the acquiring body shows readiness to deposit the amount, the respondent has no objection for condoning the delay.

10. Learned AGP submits that appellant/applicant shall make endeavour to deposit the amount of award within a period of twelve (12) weeks. Considering the grounds for condonation of delay and the statements made by learned AGP, it is desirable to condone the delay and register first appeal.

11. Civil application is allowed in terms of prayer clause "B".

12. Office is directed to register first appeal.

In First Appeal

13. **Admit.**

14. Learned counsel Mr. Patil waives service of notice for respondent.

15. Call Record and Proceedings from the concerned Reference Court.

16. Learned AGP makes a statement that an endeavour shall be made to deposit awarded amount within a period of twelve (12) weeks.

17. The respondent shall be at liberty to file application for withdrawal of amount.

18. List this matter for further consideration on 22.08.2025.

(SHAILESH P. BRAHME, J.)

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vmk/-