

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1215 OF 2015

Tukaram Gopal Bhagat @ Koli and Ors.

...Appellants

V/s.

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO. 13063 OF 2025

Ms. Deepa Punde h/f Mr. Sachin Punde for Appellants.

Ms. Shilpa G. Talhar, AGP for the State-Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 17th NOVEMBER, 2025

PC. :

Interim Application No. 13063 of 2025

1. This Interim Application seeks condonation of delay of 1 year and 698 days (sic 1 year and 348 days) and setting aside the abatement of the First Appeal as against the Appellant No. 1/6 and thereafter, to bring the Applicants on record as legal representatives of the Appellant No. 1/6, who died on 6th January, 2023.

2. It has been submitted that this Application to bring the Applicants on record has been filed after a delay of 1 year and 698 days in as much as the Applicants were not aware about the proceedings of the matter as the same were looked into by the elder members of the

family. That the Applicants were unaware of the legal provisions and have preferred this Application as early as possible. That since the Appeal was admitted and expected that the final hearing would take place in due course, the Applicants did not take any legal advice. That the right to sue of the Applicants who are the legal heirs of the deceased Appellant No. 1/6 survives and therefore, the Applicants represents the estate of the deceased – Appellant No. 1/6. It is submitted that the Applicants have a good case on merits and that, therefore, this Application be allowed.

3. Ms. Talhar, learned AGP appearing for the State-Respondent has no objection if this Application is allowed.

4. Having heard the learned Counsel as well as the learned AGP and having considered the submissions and for reasons as submitted and as contained in the Interim Application, the delay in filing this Application is hereby condoned. The abatement of the First Appeal as against the Appellant No. 1/6 is hereby set aside. The names of the Applicants are permitted to be brought on record as legal representatives of the Appellant No. 1/6.

5. The Appellants are directed to amend the title of the First Appeal by inserting the names of the Applicants as legal representatives of the Appellant No. 1/6 on record of the First Appeal. Let the amendments be carried out within a period of three weeks and let the amended proceedings be served within a period of two weeks thereafter and an appropriate affidavit of service be filed.
6. The Interim Application accordingly stands allowed and disposed as above.
7. Ms. Talhar, learned AGP for the State submits that there is also a state Appeal in respect of the very same acquisition and that the said Appeal also be listed along with this Appeal.
8. Learned Counsel for the Appellant in the matter has no objection.
9. Let the First Appeal on board and the First Appeal No. 35877 of 2013 be listed for hearing on **27th January, 2026.**

(ABHAY AHUJA, J.)