



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 1151 OF 2026  
WITH  
CIVIL APPLICATION NO. 4714 OF 2014  
IN  
CIVIL APPLICATION NO. 15062 OF 2013  
IN  
RC NO. 1274 OF 2013  
IN  
REVIEW APPLICATION (ST.) NO.21731 OF 2012  
IN  
RC NO. 1276 OF 2013  
IN  
CIVIL APPLICATION (ST.) NO. 21732 OF 2012  
IN  
REJECTED CASE NO. 3458 OF 2007  
IN  
FIRST APPEAL (ST.) NO. 22342 OF 2001  
WITH  
CIVIL APPLICATION NO. 11956 OF 2003

Shriram Ananda Kathar Wani (died) Through Legal  
Representatives Godawari W/o Shriram Kathar

VERSUS

The State of Maharashtra

...  
Advocate for Applicant : Mr. S.S. Londhe  
AGP for Respondents: Mr. S.G. Joshi  
.....

**CORAM : SANJAY A. DESHMUKH, J.**  
**DATED : 30<sup>th</sup> JANUARY, 2026**

**PER COURT :-**

1. The civil application No. 4714 of 2014 is filed for recalling of the order dated 18.1.2014 passed by this Court in Civil application No. 15062 of 2012 in R.C. No. 1274 of 2013. Perused the

application. Heard learned advocates for both sides. Considering the reasons stated in the application and particularly to decide the lis finally on merits, in the interest of justice, the application is allowed in terms of prayer clause "B".

2. The civil application No. 1151 of 2026 is filed for condonation of delay caused in bringing the legal representatives of deceased Shriram Ananda Kathar on record alongwith the prayer for setting aside the abatement.

3. Perused the application. Heard learned advocates for both sides. For the reasons stated in the application, particularly to decide the lis finally on merits, in the interest of justice, the application deserves to be allowed. The delay of 2171 days is condoned. The abatement is set aside. The applicants are permitted to bring on record the legal representatives of deceased Shriram Ananda Kathar on record within one week from today.

4. It is clarified that if the amendment is not carried out within one week from today, the application shall be deemed to be dismissed without further reference to the court.

5. By way of Review application (st.) No. 21731 of 2012 and Civil application (st.) No. 21732 of 2012, the applicant is seeking review and recall of the order dated 04.09.2007 passed in civil

application No.11956 of 2003, by which the application for condonation of delay of 681 days is rejected. Learned advocate for the applicant pointed out the said order, which reads as under:-

“1. Heard.

2. This is an application for condonation of delay. The delay is of 681 days in filing of the First Appeal. The impugned judgment was rendered by the Land Reference Court on 8.9.1999. The applicant would submit that he had no knowledge about the legal proceedings. He further would state that his financial condition was weak. He had to collect the amounts for court fees and other expenditure. However, he has to explained the period required for collecting the amount. The amount of compensation granted by S.L.A.O. was received by the applicant much earlier. Secondly, mere vague averments regarding financial difficulties cannot be regarded as a satisfactory ground for condonation of delay. The applicant must properly explain the nature of financial difficulty and as to how it was overcome subsequently. The grounds stated in the application are too vague, unconvincing and unacceptable. The delay cannot be condoned merely on sympathetic grounds. Consequently, the application is dismissed.

Refund of court fees as per Rules.”

6. On perusal of applications and the impugned order passed by this Court, it is clear that the claimant has made statement in the application regarding financial difficulties which was the reason for

causing delay of 681 days. This Court has not considered the reasons of delay in its proper perspectives. The delay is to be condoned with liberal view to decide the fate of the parties finally on merits. Therefore, this court is of the view that the impugned order is not sustainable. The applicant is poor farmer. If the period of delay of 681 days is considered, then such delay must be condoned liberally. The applications therefore, deserve to be allowed. The applications are accordingly allowed. The order passed by this court on 4.9.2007 is set aside.

7. It is clarified that the claimant would not be entitled for any interest on the enhanced amount of compensation for the delayed period of 681 days and also from the date of dismissal dated 04.09.2007 of the civil application No. 11956 of 2003 till today i.e. 30.01.2026.

8. The applicant is directed to remove the office objections within a week from today. The appeal be fixed for final hearing on 09.02.2026, first on board in 2.30 p.m. category

**(SANJAY A. DESHMUKH, J.)**

rlj/