



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

**CIVIL APPLICATION NO. 1377 OF 2026
IN
CIVIL APPLICATION NO. 4196 OF 2024
IN
FIRST APPEAL STAMP NO. 2354 OF 2024
WITH
FIRST APPEAL STAMP NO. 2354 OF 2024**

Sundar Abhiman Rajbinde
Since deceased through his L.Rs.
Indrabai and others .. Applicants

Versus

The State of Maharashtra, through the
Collector, Jalna and others .. Respondents

Shri D. A. Bide, Advocate for the Applicants.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.
Shri S. G. Bhalerao, Advocate for the respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH APRIL, 2026.**

FINAL ORDER :

. Heard learned counsel for the applicants, learned A. G. P.
for the respondents/State and the learned counsel for the
acquiring body.

2. Applicants seek to condone delay of 319 days caused in
filing application for bringing legal representatives and for
bringing the legal heirs of the deceased appellant on record.

3. It is submitted by the learned counsel for the applicants

that, the delay is not intentional one and caused due to unavoidable circumstances. Applicants are the only legal heirs of the deceased appellant, who is original claimant and have every right to contest the appeal on merits. The cause of action survives against the applicants. It is further submitted that for the reasons stated in the application the delay deserves to be condoned and applicants are required to be taken on record.

4. The averments of the applications have gone uncontroverted. There is no reason to infer any *mala-fides* on the part of the applicants. Applicants are the only legal heirs of the deceased. They are stepping in the shoes of the deceased claimant – appellant. Therefore, they are necessary parties.

5. For the reasons stated in the applications, the civil application is allowed in terms of prayer clauses B and C. The civil application is disposed of. Both parties are at liberty to carry out the necessary amendment. Amendment shall be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/April 26