



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 2554 OF 2026
WITH
CIVIL APPLICATION NO. 2556 OF 2026
IN FA/552/2012

Damu Shankar Sarode Died Through Lrs Savitribai Died Through Lrs
Natthu and others

VERSUS

M.I.D.C. Through Its Area Manager and another

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Advocate for Applicant : Ms. Sakshi Kale and Mr. Sachin Bhalerao h/f
Mr. Kale Ajeet B.

Advocate for Respondent No.1 : Mr. G.S. Khaire h/f Mr. S.S. Dande
AGP for Respondent No.2: Mr. S.G. Joshi

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 26th MARCH, 2026

PER COURT :-

1. Learned advocate for the respondents submits that name of the applicant is Dhanu as per the impugned judgment and award, however, in these applications the name of the applicant is mentioned as Damu, which is not correct. The learned advocate for the respondents therefore, objected these applications.

2. Learned advocate for the applicants submitted that Damu is the correct name. The record and proceedings is called and therefore it is not possible to carry out amendment in the impugned judgment and award by correcting the name as Damu. Learned advocate for

the applicants is ready to file pursis to that effect that Damu is the correct name. If Damu is the correct name, then the applications are correctly drafted. It is not necessary to amend the applications as prayed by the learned advocate for the respondent acquiring body. The pursis is taken on record and marked as X-1 for identification. It is clarified that it is not necessary to carry out the amendment in the impugned judgment and award, because it will take a long time. The appeal is of the year 2012 and it will again be delayed. Considering all these reasons, the objection of learned advocate for the respondent acquiring body is rejected.

3. As far as the condonation of delay of 4267 days caused for bringing the legal representatives on record and setting aside the abatement is concerned, perused the application and heard learned advocates for both sides. Learned advocate for the respondent acquiring body strongly opposed the application and submitted that there is no sufficient reason to condone the delay as per the Section 5 of the Limitation Act.

4. On perusal of the application and particularly the reasons stated in it, it appears that the delay is not caused deliberately. The lis between the parties shall be decided on merits. Therefore, in the interest of justice, the delay deserves to be condoned. The delay of

4267 days is condoned in view of the law laid down by the Hon'ble Supreme Court in the case of ***New Okhla Industrial Development Authority vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal heir and another; 2022 SCC Online SC 1599***. The abatement is set aside. Permission to bring on record the legal representatives is granted.

5. The amendment be carried out within two weeks. It is clarified that if the amendment is not carried out within two weeks from today, the applicants have to pay costs of Rs.2000/- thereafter, to be deposited in the office of the High Court Legal Services Sub Committee, Aurangabad.

6. List the first appeal Nos. 667 of 2012, 675 of 2012, 672 of 2012, 671 of 2012, 673 of 2012, 415 of 2012, 674 of 2012, 422 of 2012, 668 of 2012, 551 of 2012, 670 of 2012, 421 of 2012, 417 of 2012, 555 of 2012, 420 of 2012, 522 of 2012, 666 of 2012, 524 of 2012, 523 of 2012 and 553 of 2012 with this appeal on the next date.

(SANJAY A. DESHMUKH, J.)

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