



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 CIVIL APPLICATION NO. 403 OF 2026
IN FAST/6862/2025

SHAIKH ABBAS SHAIKH MAKBUL DIED L RS 1 A SHAIKH
SHAKIL SHAIKH ABBAS AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER CENTRAL RAILWAY AND
OTHERS

WITH

CIVIL APPLICATION NO. 3583 OF 2025
IN FAST/6853/2025 WITH
CIVIL APPLICATION NO. 3590 OF 2025
IN FAST/6862/2025 WITH
CIVIL APPLICATION NO. 3593 OF 2025
IN FAST/6865/2025 WITH
CIVIL APPLICATION NO. 3588 OF 2025
IN FAST/6859/2025

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Advocate for Applicants in CA/403/2026 : Mr. Ram B.
Deshpande.

Advocate/DSGI for Respondent/DOI : Mr. A. G. Talhar.
Advocate/DSGI for Appellants/DOI in all FA & Delay : Mr. A. G.
Talhar.

Advocate for respondents/claimants in 6862/2025 : Mr. R. B.
Deshpande.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 13.01.2026

PER COURT :-

1. Heard both sides.

2. Applicants are praying for condonation of delay in setting aside abatement and bringing legal heirs of deceased/claimants on record.

3. First Appeal No.6862 of 2025 is filed by the acquiring body and it is under obligation to take steps against the deceased claimants. The cause of action survives as against the legal heirs. They are necessary parties. The delay is unintentional. The delay stands condoned, abatement is set aside and leave is granted to bring legal heirs of deceased claimants on record.

4. Civil Application No.403 of 2026 is allowed.

5. Both parties shall be at liberty to carry out necessary amendment.

Civil Applications for Delay in all FA

6. The applicant/acquiring body is praying for delay of 361 days in preferring first appeals.

7. The averments of the applications have not been controverted. There are no malafides on the part of the applicants. The delay stands condoned.

8. Civil applications for delay are allowed.

First Appeals

9. List all first appeals on 12.02.2026 along with other connected matters for final disposal.
10. Call for Record and Proceedings from the concerned Court.
11. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

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