



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

**CIVIL APPLICATION NO. 512 OF 2026
IN FA/1036/2006**

The State Of Maharashtra Through Collector Beed And Anr.

VERSUS

Rajendra Narayanrao Gaikwad Died Through L.rs. Sharda Gaikwad
And Ors.

...

Mr. D. P. Palodkar, Advocate for Applicants

Mr. S. G. Jadhav, AGP for Respondents

Mr. A. B. Kale, Advocate for Respondents

WITH

CIVIL APPLICATION NO. 10333 OF 2009 IN FA/1246/2006

WITH

FIRST APPEAL NO. 1246 OF 2006

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20TH JANUARY, 2026

PER COURT :-

1. This is an application for condonation of delay of 2364 days caused for filing the application for restoration of the appeal and setting aside the abatement and permission to bring the legal representatives of respondent no.1 on record.
2. Perused the application. Heard learned Advocates for both the sides.
3. The First Appeal No.1036 of 2006 was dismissed for default pursuant to the order dated 25.06.2019.
4. A Special Leave Petition was preferred against the judgment of this Court delivered in First Appeal No.1036 of 2006 and 1246 of 2006. The said Special Leave Petition culminated in Civil Appeal

No.4612-4613 of 2009, which was decided on 03.02.2016, whereby the Hon'ble Supreme Court directed expeditious hearing of the appeal and further directed to conclude it within six months from the date of intimation of this order to this Court.

5. Considering all these aspect and the directions from the Hon'ble Supreme Court to conclude the matter as early as possible and preferably within six months and the legal representatives of respondent no.1 are already brought on record, it is not necessary to carry out the amendment as it was the mistake of fact.

6. No doubt that there is delay of 2364 days, however, for the reasons stated in the application it appears that the delay is not deliberately caused and in the interest of justice, the application deserves to be allowed. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 2364 days is condoned.
- c. First Appeal No.1036 of 2006 is restored to its original position.

7. Stand over to 23.01.2026.

(SANJAY A. DESHMUKH, J.)