



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 CIVIL APPLICATION NO. 2856 OF 2026
IN FAST/27002/2024

WITH
CIVIL APPLICATION NO. 1387 OF 2026
IN FAST/27002/2024

WITH
CIVIL APPLICATION NO. 13203 OF 2024
IN FAST/27002/2024

WITH
CIVIL APPLICATION NO. 13204 OF 2024
IN FAST/27002/2024

GORAKH TUKARAM DESHMUKH DIED THROUGH LRS VIJAY
GORAKH DESHMUKH
VERSUS
THE EXECUTIVE ENGINEER

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Advocate for Applicant : Mr. Shahaji C. Nadare h/f Mr. Naiknavare
Ramesh Vitthal

Advocate for Respondent no. 1 : Mr. Ruturaj C. Patil
AGP for Respondent nos. 2 & 3 : Mr. N.D. Raje

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CORAM : SHAILESH P BRAHME, J.

DATE : 09.03.2026

PER COURT :

CIVIL APPLICATION No. 1387/2026 IN fast 27002/2024

1. The applicant seeks to condone delay of 1062 days in setting aside abatement and bringing legal heirs of deceased Gorakh Tukaram Deshmukh on record. The cause of action survives as against heirs of deceased Gorakh Tukaram Deshmukh. They are necessary parties. The delay is not intentional. It stands condoned. Abatement is set aside and leave is granted to bring his legal heirs on record.

CIVIL APPLICATION NO. 13203/2024 IN FAST/27002/2024

2. The applicants seek to condone delay of 822 days in preferring the appeal.
3. For the reasons stated in the application, it is desirable to condone delay. No mala fides can be inferred on the part of the applicant in preferring the appeal belatedly.
4. The delay stands condoned.
5. Civil Application is disposed of.

CIVIL APPLICATION NO. 13204/2024 IN FAST/27002/2024

6. As the Acquiring Body has deposited the amount in pursuance of the orders passed by this Court, ad interim relief granted earlier shall stand confirmed.
7. The Civil Application is disposed of.

CIVIL APPLICATION NO. 2856/2026 IN FAST/27002/2024

8. As the civil application for bringing legal heirs of deceased Gorakh on record is allowed, the civil application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-