



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

34 FIRST APPEAL NO. 1476 OF 2004

BABURAO MOGLAJI MUTTEWAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Adv. Sawari M. Patil, h/f Mr. M. M. Patil Beedkar.
AGP for Respondent / State : Mr. S. B. Jadhav.
Adv. for Respdt. No.3 : Mr. P. B. Jadhav, h/f Mr. Shambhuraje V. Deshmukh.

...
WITH
CIVIL APPLICATION NO. 2369 OF 2026
IN FA/1476/2004

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 09th March, 2026.

P.C.:

CIVIL APPLICATION NO. 2369 OF 2026

1 This application is filed for condonation of delay, setting aside abatement and permission to bring the legal representatives of deceased claimants Sayamma and Suryakant on record.

2 Perused the application. There is delay of 4295 and 2979 days caused in filing this application.

3 The learned counsel for respondents strongly opposed the application and submitted that there are no sufficient reasons to condone the delay as contemplated by Section 5 of the Evidence Act. It is, therefore, submitted to reject the application.

4 On perusal of the application, it appears that the applicants are illiterate villagers and they were not knowing about the procedure to communicate their Advocate to bring the legal representatives of deceased claimants on record.

5 For the reasons stated in the application, the application deserves to be allowed as the delay is not caused deliberately and intentionally. Hence, the delay is condoned. Abatement is set aside. Permission is granted to bring the legal representatives of deceased claimants Sayamma and Suryakant on record. The legal representatives of the deceased claimants Sayamma and Suryakant be transposed as respondents. Necessary amendment be carried out forthwith. The civil application is allowed in terms of prayer clauses (B) to (E).

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6 Issue notice to the added respondents, returnable on 26th March, 2026.

7 The learned counsel for the appellants seeks leave to serve the added respondents by R.P.A.D. Leave granted.

8 As the appeal is of the year 2004, the learned Principal District Judge, Nanded, is directed to serve the notice on the newly added

respondents, as expeditiously as possible, and report to this Court on the next date.

9 The learned Registrar (Judicial) of this Court to communicate this order to the concerned learned Principal District Judge, forthwith.

10 List the appeal on 26th March, 2026.

[SANJAY A. DESHMUKH, J.]

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