



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CIVIL APPLICATION NO. 2596 OF 2026
IN
FIRST APPEAL NO. 692 OF 2002

Ismail Mehtab Shaikh died through L.Rs. Khatumbee Died Mehboob
and others

VERSUS

The State of Maharashtra And Ors.

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Advocate for Appellant : Mr. A. R. Ban h/f Mr. Z.Z. Sayyed
AGP for Respondents: Mr. D.J. Patil

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 6th MARCH, 2026

PER COURT :-

1. This civil application is filed for condonation of delay of 4973 days caused in filing the application to bring on record the legal representatives of deceased appellant Ismail and for setting aside the abatement with permission to bring on record the legal representatives of deceased appellant Ismail on record.

2. Heard learned advocates for both sides. Learned advocate for the respondents strongly opposed the application and submitted that there are no sufficient reasons in the application to condone the delay. He further submitted that if the Court is allowing the application, in that case, the claimant shall not be entitled for the interest amount of the said delayed period, if the amount of compensation is enhanced by this Court.

3. On perusal of application, it appears that the delay is not caused deliberately. In view of the judgment 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 application deserves to be allowed on condition that the applicants shall not be entitled for interest amount on the amount of enhanced compensation.

4. The application is accordingly allowed. Delay condoned. Abatement is set aside. The applicants are permitted to bring on record the legal representatives of deceased Ismail on record within a week from today. If the amendment is not carried out within the aforesaid period, the applicant has to deposit the costs of Rs.2000/- in the office of the High Court Legal Services Sub Committee, Aurangabad.

5. Learned advocate for the applicant submitted that he is ready to file Vaklatnama on behalf of the legal representatives of deceased Ismail. He is further directed to argue the matters finally on the next date, as the appeals are of the year 2002.

(SANJAY A. DESHMUKH, J.)