



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

75 CIVIL APPLICATION NO. 2860 OF 2026
IN WP/6653/2017

Govindrao Ramji Barse And Others
VERSUS
The State Of Maharashtra And Others

.....

Mr. P. G. Godhamgaonkar, Advocate for Applicants
Mr. R. B. Dhaware, AGP for the Respondents – State
Mr. V. I. Thole, Advocate for Respondent No.2 in WP

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WITH

WRIT PETITION NO. 6653 OF 2017

Govindrao Ramji Barse And Others
VERSUS
The State Of Maharashtra And Others

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Mr. P. G. Godhamgaonkar, Advocate for Applicants
Mr. R. B. Dhaware, AGP for the Respondents – State
Mr. V. I. Thole, Advocate for Respondent No.2

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11.03.2026

PER COURT :

[I] ORDER IN CIVIL APPLICATION :

1. By this application, the applicants seek permission to bring on record the legal heirs of petitioner No. 2 and also seek condonation of delay and setting aside of the abatement.

2. Considering the averments made in the application, the application is allowed in terms of Prayer Clause – ‘B’. Necessary amendment be carried out forthwith.

[II] ORDER IN WRIT PETITION :

1. Heard the learned counsel for the petitioners.
2. The petitioners are aggrieved by the order dated 08.05.2017 passed by respondent No. 3 – District Superintendent of Land Records, Nanded, whereby the application filed by respondent no.2 for condonation of delay in filing the appeal came to be allowed.
3. The learned counsel for the petitioners submits that the proceedings instituted at the instance of respondent no.2 are not maintainable. It is further submitted that the the application has been allowed despite there being the delay of more than 43 years.
4. The learned counsel for respondent no.2 as well as the learned AGP for respondents – State support the impugned order.
5. After hearing the learned counsel for the petitioners and after going through the record, I find that respondent No. 3 has condoned the delay of 43 years. While condoning the delay, it has been observed that at the time when Mutation Entry No.571 was recorded, respondent No.2 was not given any notice. It is further observed that the mutation entry was taken behind the back of respondent No.2 and, on that ground, the delay has been condoned. As no notice was issued to the respondent no.2 at the time of effecting mutation entry, the impugned order is appropriate in the eyes of law.
6. In view thereof, the present petition is dismissed. No order as to costs.

7. Needless to mention that the petitioners are at liberty to raise all issues, including the issue of jurisdiction as to whether respondent no.3 has the power to entertain the proceeding. Respondent No.3 shall decide all such issues, including the issue of jurisdiction, and pass an appropriate order in accordance with law.

[SIDDHESHWAR S. THOMBRE, J.]

Sameer/March-2026