



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

**917 CIVIL APPLICATION NO.3312 OF 2026
IN FA/1691/2010**

Dattu Madhavrao Shinde
VERSUS
The State Of Mah And Ors

...

Mr. Ingale Vivekanand V., Advocate for Appellant
Mr. S. G. Joshi, AGP for Respondents/State
Mr. Sangle Shirish G., Advocate for Respondent No.2

CORAM : SANJAY A. DESHMUKH, J.

DATE : 18.03.2026

PER COURT :-

1. Not on board. Upon being mentioned, taken on board.
2. This is an application for condonation of 5497 days delay caused in filing the present Civil Application for bringing the legal representatives of deceased claimant on record as well as for setting aside abatement.
3. Learned AGP for the respondent / State strongly opposed the application and submitted that sufficient reasons are not given to allow the applications. He prayed to reject the applications.
4. On perusal of the application, it appears that the applicant is the agriculturist having no knowledge of legal

proceedings. There was no communication between the applicant's family members and the advocate. This shows that the delay is not deliberately caused. Considering the reasons stated in the application and the law laid down by the Hon'ble Supreme Court in *Civil Appeal No.8331-8345 of 2022* in the case of *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal heir & Anr.* decided on 17.11.2022, the claimants are entitled to receive reasonable amount of compensation at par with other similarly situated landowners. Therefore, the delay deserves to be condoned in the interest of justice, as it is not deliberately caused. Hence, the following order:

::ORDER::

- a. The application is allowed.
- b. The delay of 5497 days caused in filing the Civil Application for bringing the legal representative of deceased claimant on record is condoned.
- c. The abatement is set aside.
- d. The permission to bring the legal representatives of deceased claimant-Dattu Madhavrao Shinde on record is granted.
- e. The applicants are directed to amend the appeal memo by bringing the legal representatives of the deceased claimant on record on or before 30.03.2026.

[SANJAY A. DESHMUKH, J.]