



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAW) NOS. 807 OF 2026 AND 808 OF 2026

IN

WRIT PETITION NO. 1960 OF 2017

(Shri Harish s/o Motidas Udasi ..vs.. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Anjali Agrawal, Counsel h/f. Mr. R.S. Kalangiware, Counsel for the petitioner,
Mr. A.B. Badar, AGP for respondent Nos. 1 to 3.

**CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.**

DATED : 16-04-2026

By Civil Application No. 808/2026, the applicant is seeking condonation of delay of 156 days in filing the application for bringing legal heirs of deceased petitioner namely, Harish s/o Motidas Udasi on record and setting aside the abatement. It is contended that the deceased petitioner has filed the petition challenging the notices dated 15-01-2016, 19-03-2016, 15-11-2016 and 07-01-2017 issued by respondent No. 2-Sub-Divisional Officer, thereby imposing penalty of Rs.16,43,132/- for alleged change of user of the land owned by the petitioner without prior permission and the proposed action by notice dated 18-03-2017 for sealing the property for non payment of the said amount. However, the present applicants, being the legal heirs, were not aware of the pendency of the present petition. The petitioner was died on 02-07-2025 and subsequently, the counsel approached them and thereafter they came to know about the pendency of the present petition. Hence, they filed the present applications.

2. The learned Assistant Government Pleader has objected condonation of delay caused in filing the application for bringing legal

heirs of the petitioner on record, as there is no sufficient and reasonable ground for condoning the delay. However, the reasons mentioned in the application, we satisfy that there is sufficient and reasonable cause for condoning the delay. Moreover, the settled law is that while considering an application for condonation of delay, a liberal approach should be taken rather than a pedantic one. In view of that, the application deserves to be allowed. Accordingly, the delay of 156 days in filing the application for bringing legal heirs of the petitioner on record is condoned, subject to the costs of Rs.2,000/- (Rupees Two Thousand) to be deposited with **“Public Welfare Account” in Account No. 129712010001014 IFSC Code : UBIN0812978** Union Bank of India, Branch High Court, Civil Lines, Nagpur. The order of abatement is hereby set aside. The applicants shall take appropriate steps for bringing them on record.

3. The applications are disposed of accordingly.

Civil Application No. 738/2026

This is an application for bringing the legal heirs of the petitioner on record. In view of the reasons mentioned in the application, the application is allowed. They are permitted to be add themselves as petitioners. Necessary amendment be carried out within one week.

2. The application is disposed of accordingly.

Writ Petition No. 1960/2017

The petition be listed after Vacations.

(Nivedita P. Mehta, J.)

(Urmila Joshi-Phalke, J.)