



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

CIVIL APPLICATION NO. 5792 OF 2025 IN WP/426/2022

**WITH
WRIT PETITION NO. 426 OF 2022**

**AND
CIVIL APPLICATION NO. 5793 OF 2025 IN WP/427/2022**

**WITH
WRIT PETITION NO. 427 OF 2022**

Gopaldas Shamrao Saitwal (Sakhare) (Died)
through LRs. Vilas Gopaldas Sakhare and Others
... Applicants

Versus

The State Of Maharashtra through its
Sub Divisional Officer and Others
... Respondents

- ...
- Mr. D. S. Mali, Advocate h/f. Mr. V. B. Patil, Advocate for Applicants
 - Mr. N. D. Raje, AGP for Respondent/s-State in both applications
 - Mr. G. L. Deshpande for Respondent Nos. 3, 5, 7 and 8 in WP No. 426 of 2022 & WP No. 427 of 2022
- ...

CORAM : ROHIT W. JOSHI, J.
DATE : 10th JUNE, 2025

ORDER :

Order in Civil Application No. 5792 of 2025 and Civil Application No. 5793 of 2025 :-

1. The petitioner no. 1 has expired on 01.06.2022. The applicant nos. 1-A to 1-E are his legal representatives being his class-1 legal heirs. The deceased petitioner no. 1 and other petitioners claim to be tenants of agricultural land owned by respondent no. 3.

2. There is delay of around 986 days in filing applications for bringing legal representatives of deceased petitioner no. 1 on record. It is stated in the applications that the legal representatives were not aware about the pending writ petitions resulting delay.
3. The learned counsel for respondent no. 3 raises a strong objection to the applications contending that the explanation offered is not plausible inasmuch as all the petitioners are related to each other. Be that as it may, it appears that on demise of petitioner no. 1, cause of action in the petitions will survive with the other petitioners. The petitions do not abate in their entirety on demise of petitioner no. 1.
4. Having regard to the same, the delay of 986 days is caused in bringing legal representatives of deceased petitioner no. 1, is condoned and permission is granted to bring the names of legal representatives of deceased petitioner no. 1 on record subject to cost of Rs. 5,000/- to be paid to respondent nos. 3, 5, 7 & 8. Civil applications are disposed of.
5. Necessary amendment be carried out within a week from today.
6. List the writ petitions on 27.06.2025.
7. *Interim* relief, to continue till the next date.

[ROHIT W. JOSHI, J.]