

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

**CIVIL APPLICATION NO. 777 OF 2015
IN
CRA ST NO. 889 OF 2015**

Siddheshwar Govindrao Rode & Ors.

... Applicants

VERSUS

The State of Maharashtra,
through District Collector, Beed and Ors..

... Respondents

.....
Mr M. P. Kale, Advocate for the applicants
Mr P. P. More, AGP for respondent/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **21ST AUGUST, 2015.**

PER COURT:

. This is an application seeking leave to bring on record legal heirs of the deceased/applicant No. 2.

2. Heard ld. counsel appearing on behalf of the respective parties.

3. It is submitted that initially the matter was filed and pending before the Court at Parbhani. Subsequently, the same was transferred to the Court at Gangakhed. The applicants could not receive any notice about transfer of the matter to the Court at Gangakhed. Ld. Counsel submits that, even the advocate appointed by the original

applicant had died. As such, the said fact of the pendency of the proceedings could not be noticed. The applicants were not aware of the pendency of the proceedings.

4. Ld Counsel for the non-applicant opposes the application on the ground that no sufficient cause is stated and no reason is given for such an abnormal delay.

5. It is trite that abatement has to be strictly construed whereas the application for setting aside the abatement has to be liberally construed. Moreover, the proceedings are in the nature of reference. The claim petitions are rejected seeking enhancement of compensation u/s 18 of the Land Acquisition Act. It is also nowhere shown that the applicants were served with notice of transfer of proceedings from Parbhani to Gangakhed.

6. Considering the aforesaid aspects, the civil application is allowed in terms of prayer clauses “B.” & “C.” of the application.

7. Civil Application accordingly disposed of.

[S. V. GANGAPURWALA, J.]

sgp