

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

CIVIL APPLICATION NO.3572 OF 2014
WITH
CIVIL APPLICATION NO.3571 OF 2014
IN
FIRST APPEAL (ST) NO.18998 OF 2014

Pandurang S/o Tukaram Tarar (dead) by L.R. Suresh S/o Pandurang Tarar & Ors.

-vs-

The State of Maharashtra represented by the Collector, Amravati & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri K. N. Dadhe, Advocate for applicant/appellant.
Smt. M. N. Hiwase, AGP for non-applicant Nos.1 and 2.
Shri S. G. Jagtap, Advocate for non-applicant No.3.

CORAM : A.S.CHANDURKAR, J.

DATE : MARCH 19, 2015

Issue notice to the non-applicants. Learned AGP waives notice on behalf of non-applicant Nos.1 and 2 and Shri S. G. Jagtap waives notice on behalf of non-applicant No.3.

By this application, the applicants pray that they be brought on record in place of the original claimant who expired on 24/09/2012. It is stated in the application that even the counsel who was representing the original claimant was not aware about death of the claimant. Subsequently the said counsel also expired in the year 2013.

The learned counsel for the non-applicants oppose the application on the ground that the original claimant had expired even prior to the reference proceedings being decided. It is therefore submitted that the impugned order has been passed in favour of a dead person.

It is not in dispute that original claimant expired prior to the reference proceedings being decided. Effect of the same can be considered while deciding appeal itself. For the reasons stated in the application, the same is allowed. The applicants are permitted to be brought on record as legal heirs of original claimant. Amendment be carried out forthwith. Civil application is allowed and disposed of.

Civil Application No.3571 of 2014

Issue notice to the non-applicants. Learned AGP waives notice on behalf of non-applicant Nos.1 and 2 and Shri S. G. Jagtap waives notice on behalf of non-applicant No.3.

Prayer is to condone delay of 576 days in filing the First Appeal. The reasons for said delay have been stated in paragraphs 3 and 4 of the application.

Learned AGP appearing for respondent Nos.1 and 2 and Shri S.G.Jagtap, learned counsel for respondent No.3 oppose the application on the ground that reasons assigned are not sufficient.

Considering the fact that the original claimant had expired on 24/09/2012 after which his counsel also expired in the year 2013, the delay in filing the First Appeal stands condoned. Civil Application is allowed and disposed of.

JUDGE