

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 14777 OF 2016
IN FA/284/2009

KISHAN GOVINDRAO TELANGE SINCE DECEASED THR HIS
LRS AMBUBAI AND ORS
VERSUS
THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT DIV.
LATUR AND ANR

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Advocate for Applicants : Mr.HV Tungar, Adv.
h/for Mr. Deshpande C.R.
Mr. SP Sonpawale, Adv. For Resp.No.1;
Mr. S.N.Morampalle, AGP for Respondents:2.

CORAM : P.R.BORA, J.

DATE : 17th November, 2016.

PER COURT :

1) Heard. The original claimant had initially filed an application bearing Civil Application No. 27/2010, seeking withdrawal of the deposited amount by the acquiring body in this Court in First Appeal No. 284 of 2009. Vide the order passed on 15th January, 2010, this Court (Coram: R.M.Borde,J.) permitted the original claimant to withdraw the said amount on furnishing solvent security in the like amount. In the meanwhile, the original claimant expired and his legal heirs presented an application for taking their names on record and to permit

them to prosecute the matter further. The Civil Application so filed was allowed by this Court (Coram: V.K.Jadhav,J.) vide order passed on 16th March, 2016. In fact, the appellant, i.e. Acquiring body must have taken the steps to implead the names of the legal heirs of deceased respondent on record in view of the order so passed. However, it is brought to my notice that till today, such amendment is not made by the acquiring body. However, that may not be the hurdle for allowing the present application since this Court has permitted the present applicants to be taken on record as legal heirs of deceased respondent. In the circumstances, the application is allowed in terms of prayer clause (B).

2) The learned Counsel for the appellant seeks a week's time to carry out the necessary amendment. Time as prayed for is granted.

(P.R.BORA)
JUDGE

bdv/