

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
29 CIVIL APPLICATION NO. 4814 OF 2017
IN FAST/17949/2016 WITH CA/9137/2016 IN FAST/17949/2016 WITH
CA/9139/2016 IN FAST/17949/2016

EXECUTIVE ENGINEER, VISHNUPURI PROJECT DIV. NANDED NOW LENDI
PROJECT DIV DEGLOOR

VERSUS

MAROTI BHIMRAO JADHAV AND ORS

...

Advocate for Applicants : Mr. B.R. Surwase
Adv. for respondent Nos. 2 and 3 : Mr. Ashish Shinde.

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned AGP for the applicant Nos. 2 and 3. Perused the application. This is an application for bringing LRs of deceased respondent No.1 Maroti on record.

2] Admittedly, the Acquiring Body has filed the present first appeal against the impugned judgment and award dated 11.1.2011 passed by the reference court awarding enhanced amount of compensation to the respondent claimants. During the pendency of appeal the respondent No.1 Maroti Bhimrao Jadhav passed away on 22.4.2016. He has two sons Balaji and Shivaji and his wife Ginyanbai wd/o Maroti Jadhav. The Legal heirs of deceased respondent No.1 are to be brought on record.

3] Considering the nature of the proceeding, I do not find any impediment to allow the application. For the reasons stated in the application, the application is allowed in terms of prayer clause (B). The abatement of the proceeding following death of respondent No.1 is quashed

and set aside The LR's of deceased Maroti are permitted to be brought on record. The delay caused in filing the civil application for taking LR's on record is hereby condoned. Necessary amendment be carried out within a period of three weeks.

4] The applications for condonation of delay and bringing LR's of deceased respondent No.1 on record are disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-