

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

948 CIVIL APPLICATION NO. 8132 OF 2016
IN FA/1064/2010

LACCHIRAM KOETYA DEOKAR DIED THR. L.RS. GANGABAI
LACCHIRAM DEOKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTR AND OTHERS

...
Advocate for Applicants : Mr. Prabhakar B. Vikhe Patil
AGP for Respondent No. 1 : Mr. B.V. Virdhe
Advocate for Respondent No. 3 : Mrs. Dr. Kalpalata Patil
Bharaswadkar- Absent
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CORAM : K.K. SONAWANE, J.

DATED : 8th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the proposed L.Rs. of the deceased appellant and learned AGP for respondents No. 1 and 2. Learned counsel for respondent No. 3 remained absent.

2. Perused the application. Learned counsel for the applicants submits that original appellant passed away on 10th November, 2013. Thereafter, applicants have procured death certificate of the appellants from Gram Panchayat concerned. After preparation, preferred the present application, but there is delay of two days for filing the present application. Applicants are widow, daughter and sons of the deceased appellant. They are the only legal heirs of the deceased. In view of nature of the subject-matter, it is essential for them to cause their appearance in the matter being appellants, hence they preferred present application.

3. For the reasons stated in the application as well as death of appellant, I do not find any impediment to allow the applicant to pursue the appeal for substantial justice, which has already been admitted and listed for final hearing on merit before this Court. Therefore, the application stands allowed. The order of abatement of proceeding filed by the deceased respondent is set aside. The applicants are allowed to cause their appearance on record as appellant being legal representatives of the deceased appellant. The applicants to make requisite amendment in the memo of appeal within two weeks from today.

4. Civil application stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK