

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
928 CIVIL APPLICATION NO. 4337 OF 2017
IN FA/147/2002

BHIMRAO BALAJI MORE DIED THROUGH LRS SHANKAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. A.S. Kakade, Adv. h/f. Mr. V.D.Salunke
AGP for Respondents: Mr. S.R. Yadav.

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned AGP for the respondent State of Maharashtra. Perused the application. This is an application for bringing LR of deceased appellant No.1 on record.

2] Admittedly, one Bhimrao Babaji More preferred the present first appeal for enhancement of compensation amount for their acquired land. During the pendency of appeal the appellant Bhimrao passed away on 16.07.2004. The applicants are legal heirs of deceased Bhimrao and they are intending to appear in the proceeding. The applicants have produced the extract of death certificate of deceased appellant No1 as well as Succession Certificate issued by the Gram Panchayat authority, 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) & (C). The abatement of the proceeding following death of appellant is quashed

and set aside. The applicants No. 1a to 4a are permitted to be brought on record as co-appellants, being legal heirs of deceased appellant. Necessary amendment be carried out within a period of three weeks.

4] The application is disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-