

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

**CIVIL APPLICATION NO. 6564 OF 2017 IN RC/1349/2013
WITH CA/6565/2017 IN RC/1349/2013**

GOVIND MUKINDA HUBEWAD (DIED) THR LRS SHANKAR G. HUBEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. K. M. Nagarkar.
AGP for Respondents No.1,2 : Mr. S. R. Yadav-Lonikar.
...

CORAM : K.K. SONAWANE, J.

DATED : 29TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and learned AGP for respondents No.1 and 2. When matter is called out, none appears for respondent No.3- Acquiring Body. The applicants are the legal heirs of deceased Govind Mukinda Hubewad. The applicant contends that due to unavoidable circumstances, he could not appear into the matter within stipulated period being legal heirs of deceased appellant. The matter pertains to land acquisition proceedings. Therefore, he may be allowed to pursue the matter in the interest of justice.

2. In view of reasons mentioned in the application, it would be justifiable to extend one more opportunity to the applicant for substitution in the proceedings being legal heirs of deceased appellant. It would not cause prejudice or injustice to the respondents. Hence, applications stand allowed. The dismissal order dated 25-09-2013 passed by this Court for not taking steps in regard to deceased

appellant is hereby recalled. The proceedings of First Appeal (Stamp) No. 18086 of 2010 be restored at its original stage. Registry to do the needful for compliance of the order. After restoration of proceedings, applicant is allowed for substitution in the proceeding being legal heirs of deceased appellant by requisite amendment within two weeks. Accordingly, civil applications stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.