

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 13423 OF 2017
IN FA/858/2006

SHESHRAO DEVRAO DESHMUKH DECEASED THR LRS SHAKUNTALABAI
AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ORS.

...
Advocate for Applicants : A M Gaikwad
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 No.1 State of Maharashtra and Mr. Dande, Advocate for Respondent No.3 Acquiring Body. Perused the application. This is an application for bringing LR's of deceased appellant - Sheshrao on record.

2] Admittedly, one Sheshrao Deorao Deshmukh preferred the present first appeal for enhancement of compensation amount for his acquired land. During the pendency of appeal the appellant Sheshrao passed away on 12.05.2015. The applicants are legal heirs of deceased Sheshrao and they are intending to appear in the proceeding as LR's of deceased appellant. 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) and (C) . The abatement of the proceeding following death of appellant Sheshrao is

quashed and set aside The applicants are permitted to be brought on record as co-appellants, being legal heirs of deceased appellant Sheshrao. The delay caused in filing the civil application for taking LRs on record is hereby condoned. Necessary amendment be carried out within a period of two weeks.

4] The application is disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-