

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

CIVIL APPLICATION NO. 13120 OF 2017 IN FAST/27258/2016

EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN
DIVISION, OMERGA THR M.K.V.D. OSMANABAD

VERSUS

RAMCHANDRA PANDURANG DONGARE THR LRS VILAS AND ANR

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Advocate for Applicant : Mr. A. N. Gaddime.
Advocate for Respondent No.1 : Mr. L. C. Patil.

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CORAM : K.K. SONAWANE, J.

DATED : 7TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicants and learned counsel for respondent No.1. Perused the application.

2. Learned counsel for applicants contends that respondent No.2 Dharmaraj Pandurang Dongare passed away pending the proceedings and he is intending to bring his sole legal heir on record. He prayed to condone the delay for bringing legal heir of deceased respondent No.2 Dharmaraj Pandurang Dongare on record.

3. Learned counsel for respondent No.1 has no objection for the same.

4. The matter pertains to land acquisition proceedings. Deceased respondent No.2 Dharmaraj, who was original claimant, filed reference petition under Section 18 of the Land Acquisition Act, 1894, before the Reference Court. However, pending appeal he passed away. Therefore, the applicant intends to prefer present application. In view of nature of subject matter, there is no impediment to nod in favour of applicants for bringing legal heir of deceased respondent No.2. Accordingly, application is allowed in terms of prayer clauses 'B' and 'C'. The delay stands condoned. The order of abatement is hereby set aside. The applicant is permitted to bring on record legal heir of deceased respondent No.2 by requisite amendment. Stand over to 27th November, 2017.

**[K. K. SONAWANE]
JUDGE**

rrd.