

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

923 CIVIL APPLICATION NO. 13574 OF 2017
IN FA/4327/2016

TUKARAM KISAN SATHE (DIED) THR LRS RAJEBHAU AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. N.R. Pawade hf Mrs. Sujata L. Puri
AGP for Respondents No. 1 & 2 : Mr. S.J. Salgare
Advocate for Respondent No. 3 : Mr. S.G. Bhalerao
...

CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the appearing parties.
2. Perused the application. Learned counsel for applicants-claimants submits that appellant-acquiring body has filed appeal against impugned judgment and award passed by the learned Reference Court in LAR No. 604 of 2010. The said appeal came to be filed against Tukaram Kisan Sathe and others. But, pending the appeal respondent -Tukaram Kisan Sathe passed away. The applicants are his legal heirs and they are intending to pursue the appeal as party respondents. Therefore, they prayed to direct the appellant-acquiring body to implead them as party respondents, being L.Rs. of original claimant - Tukaram Kisan Sathe. The applicants also produced death certificate and succession certificate issued by the Gram Panchayat Authority.

3. Mr. Bhalerao, learned counsel for respondent-acquiring body fairly conceded that suitable orders in the interest of justice may be passed. Learned AGP also prayed for requisite orders in the interest of justice.

4. In view of submissions and reasons mentioned in the application, there is no impediment to allow the applicants to appear in the proceedings as party respondents-being legal heirs of deceased respondent Tukaram Sathe. Definitely, it would facilitate for just and proper adjudication of the appeal on merit. Hence, application stands allowed in terms of prayer clause "B". The applicants are permitted to appear in the proceedings being L.Rs. of deceased Tukaram Sathe. The appellant is hereby directed to carry out necessary amendment within two weeks from today.

5. List the appeal on 19th January, 2018.

6. The Civil application stands disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

MTK.