

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

**CIVIL APPLICATION NO. 14886 OF 2017
IN CA/11250/2016 IN FAST/22286/2016**

THE EXECUTIVE ENGINEER, LATUR MINOR IRRIGATION DIVISION,
LATUR AND ANOTHER

VERSUS

GANPATI DHONDIBA MUSALE AND OTHERS

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Advocate for Applicants : Ms. Bharati B. Gunjal.

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CORAM : K.K. SONAWANE, J.

DATED : 12TH DECEMBER, 2017.

Order :-

Heard learned counsel for applicant- Acquiring Body. None appears for respondents (original claimants). Perused application and relevant documents produced on record.

2. Learned counsel for applicant- Acquiring Body submits that respondent No.4 Bayanabai Pandhari Nagargoje is no more and she passed away on 30-12-2014. The applicant- Acquiring Body is intending to bring legal representatives of deceased respondent No. 4 on record. The applicant- Acquiring Body has produced copy of death certificate of deceased respondent No. 4 Bayanabai and succession certificate issued by Grampanchayat authority of Village Sonwala, Tauka Jalkot, District Latur. Therefore, learned counsel for applicant prayed to allow the application for bringing legal representatives of deceased on record by condoning the delay, if any, for filing the present petition.

3. In view of submissions and reasons mentioned in the application, there is no impediment to allow the application as prayed. Hence, civil application for bringing legal representatives of deceased respondent No. 4 stands allowed in terms of prayer clause 'B' and 'C'. The delay, if any, caused for filing present application is hereby

condoned. The abatement of proceedings against deceased respondent No.4 stands quashed and set-aside. The applicant- Acquiring Body to take requisite steps for bringing legal representatives of deceased respondent No. 4 on record by necessary amendment within two weeks.

4. After requisite amendment, issue notice for admission of appeal to the legal representatives of deceased respondent No.4 on record, returnable on 22-01-2018.

5. The civil application stands disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

rrd.