

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

CIVIL APPLICATION NO. 3764 OF 2018
IN
FIRST APPEAL [STAMP] NO. 29176 OF 2015

Dhondiba Natha Bibve, deceased,
through legal representatives :-

Vilas s/o Dhondiba Bibve and anr. .. Applicants

VS

The Executive Engineer and another .. Respondents

Mr. Dnyaneshwar A. Bide, Advocate for applicants

Mr. A. N. Gaddime, Advocate for respondent no. 1

Mr. Shashibhushan P. Deshmukh, Assistant Government Pleader
for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th April, 2018

ORDER :

1. This application has been moved by legal heirs of deceased respondent No. 1 – Dhondiba Nathu Bibve for bringing them on record of first appeal filed by the acquiring body. During pendency of appeal, respondent No. 1 - original claimant died.

2. Learned counsel for respondent no. 1 and learned Assistant Government Pleader for respondent no. 2 do not have any particular objection to grant the application.

3. In view of the same, civil application is allowed in terms of prayer clauses (B) to (D).
4. The applicants are permitted to bring on record the legal heirs of deceased respondent No. 1 – original claimant as shown in this civil application.
5. The delay caused in bringing legal heirs of deceased respondent No. 1 in appeal on record of first appeal stands condoned. Abatement of appeal, if any, is set aside.
6. Appellants to carry out amendment to title clause of memorandum of appeal immediately.
7. Civil application is accordingly disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd