

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

**CIVIL APPLICATION NO. 2258 OF 2018
IN
FIRST APPEAL NO. 3823 OF 2017**

Gundappa Apparao Birajdar (Died) through
L.Rs. Maroti Gudappa Birajdar and others ... Applicants

Versus

The Executive Engineer,
Minor Irrigation Division, Latur ... Respondents.

.....
Mr. L. C. Patil, Advocate for applicants
Mr. Anand Chawre, Advocate for respondent No. 1
Mr. B.V. Virdhe, AGP for respondent No. 2
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CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th MARCH, 2018.

Order :-

1. In the first appeal preferred by acquiring body and the State against award passed by land acquisition reference court, respondent sole died long back. No efforts whatsoever were made by appellants to bring on record legal heirs of deceased respondent. In this first appeal, present application has been moved by legal heirs of deceased respondent for bringing them on record of first appeal.

2. Learned counsel for applicants states that applicants could not move execution proceedings since stay was granted to the execution of award and having regard to the same, it has been deemed expedient to make application intimating that respondent in first appeal is no more, and left behind the applicants as his legal heirs.

3. Learned counsel for appellants has no objection to allow the application. In the circumstances, the application is allowed in terms of prayer clauses (A) to (D).
4. The appellants are permitted to bring on record the legal heirs of deceased respondent – original claimant as shown in civil application.
5. The abatement of appeal, if any, is set aside.
6. The delay, if any, caused in bringing legal heirs of deceased respondent in appeal on record of first appeal stands condoned.
7. Appellants to carry out amendment to title clause of appeal memo immediately.
8. The civil application is disposed of accordingly.

Sd/-

[SUNIL P. DESHMUKH]
JUDGE

MTK