

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

976 CIVIL APPLICATION NO. 3032 OF 2018
IN FA/2151/2017

HARIRANG BHIMRAO SUSTE AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.1,
AURANGABAD AND ANR

...
Mr. Sonaji K. Adkine, Advocate for Applicants
Mr. G.B. Rajale, Advocate for respondent No. 1
Mr. A.D. Namde, AGP for respondent No. 2

...
CORAM : SUNIL P. DESHMUKH, J.

DATED : 23rd MARCH, 2018.

Order :-

1. This is an application moved by legal heirs of deceased respondent No. 2- Bhimrao Patilba Suste in first appeal. Respondent No. 2 died during pendency of first appeal, however, his legal heirs had not been brought on record. First appeal, subsequently, has been dismissed but certain amount is lying deposited in this court to which deceased was entitled to.

2. According to learned counsel, granting present application would enable them to withdraw the amount, to which they are entitled to.

3. Learned counsel for the respondents - acquiring body and State do not have any particular objection, if application is

allowed.

4. In the circumstances, civil application is allowed in terms of prayer clauses "B" and "C".

5. The appellants are permitted to bring on record the legal heirs of deceased respondent No. 2 – original claimant as shown in this civil application.

6. The delay caused in bringing legal heirs of deceased respondent No. 2 in appeal on record of first appeal stands condoned. abatement of appeal, if any, is set aside.

7. Appellants to carry out amendment to title clause of memorandum of appeal immediately.

8. Civil application is disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

MTK.