

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

CIVIL APPLICATION NO. 3369 OF 2018
IN
FIRST APPEAL [STAMP] NO. 5614 OF 2014

Nagnath Bala Deshmane (died)
through legal representatives :

Dropad wd/o Nagnath Deshmane and others .. Applicants

VS

The Executive Engineer,
Medium Project division, Osmanabad
and others

.. Respondents

Mr. Shrikant G. Kawade, Advocate for applicants

Mr. S. S. Sangle, Advocate for respondent no. 1

Mr. A. D. Namde, Asstt. Govt. Pleader for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th March, 2018

ORDER :

1. Leave to amend.
2. Applicants pray for bringing legal heirs of applicant no. 5 Guruling on record of first appeal, condonation of delay and setting aside abatement. Applicants have in paragraph no. 2 of application stated that legal heirs of deceased respondent no. 1 in appeal i.e. Nagnath are already on record in execution proceedings under special darkhast no. 134 of 2015. In paragraph no. 4 they state that, however, legal heirs of deceased applicant no. 5 Guruling are not brought on record and, as such, pray that they may be permitted to be brought on record.

3. Learned counsel and learned Assistant Government Pleader have no objection to the request made under the application.
4. Application is allowed. Delay in making application for bringing applicants i.e. legal heirs of deceased Guruling on record in the first appeal is condoned. Abatement, if any, is set aside. Applicants are allowed to be brought on record as legal representatives of deceased applicant no. 5 in the first appeal and incidental applications filed by the appellants.
5. As such, appellants shall immediately cause amendment to the memorandum of appeal and the applicants be brought on record as legal representatives of deceased applicant no. 5.
6. Civil application is accordingly allowed as above and is disposed of.
7. Civil application (Stamp) No. 6596 of 2018 be heard along with other applications.

SUNIL P. DESHMUKH,
JUDGE

pnd/-