

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 CIVIL APPLICATION NO. 4074 OF 2018
IN FA/689/2017 WITH CA/15312/2016 IN FA/689/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
DAGDUBA GAJABA SAPKAL (DIED) THR LRS NILABAI AND ORS

...
Advocate for Applicants : Mr. A.M. Phule, Assistant Govt. Pleader
Adv. for respondent No.2 : Mr. S.R. Shirsath.

CORAM : K.K. SONAWANE, J.
DATE : 18th JUNE , 2018.

PER COURT:

1. Heard learned AGP for applicants and learned counsel for respondent original claimant.
2. Perused the application and relevant documents produced on record. It has been submitted that the applicant State has filed appeal against the respondent Dagaduba Gajaba Sapkal and agitated the judgment and award passed by the Reference Court in LAR No. 901 of 2010. Pending the appeal, the respondent Dagduba passed away. The appellant State is intending to bring the LRs of deceased Dagduba on record. Hence, the learned AGP prayed; to condone the delay caused for filing the present application and allow the appellate State to bring LRs of deceased respondent No.1 on record. The learned counsel for the respondent No.2 has no objection.
3. Considering the nature of subject matter, civil applications for bringing legal representatives of deceased respondent No.1 Dagadu stand allowed in terms of prayer clause 'B' and 'C' and 'D'. The delay, if any, caused for filing present application is hereby condoned. The abatement of proceedings against deceased respondent No.1 stand set-aside and

quashed. The applicants be allowed to bring legal representatives of respondent No.1 on record. Accordingly, requisite amendment be carried out within a period of two weeks.

4. On amendment, issue notice to proposed LR's of deceased respondent No.1. Mr. S.R. Shirsath, Advocate waives notice for proposed LR's of deceased respondent No.1. List the appeal for admission in due course.

5. The civil applications stand disposed of in above terms accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-