

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

CIVIL APPLICATION NO. 7526 OF 2018
IN FA/2159/2016

THE EXECUTIVE ENGINEER, MINOR PROJECT DIVISION THR MEDIUM
PROJECT DIVISION, NANDED
VERSUS
SAMBHA GOVIND MADGE DIED THR LRS GANGABAI AND OTHERS

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Advocate for Applicant No.1 : Mr. Ruturaj C. Patil.
AGP for Applicants No.2,3 : Ms. S. S. Raut.
Advocate for Respondents-original claimants : Mr. Y. P. Deshmukh.
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CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

1. Heard Mr. R. C. Patil, learned counsel for applicant- Acquiring Body and Mr. Y. P. Deshmukh, learned counsel for respondents-original claimants. Perused the application and relevant documents.
2. Admittedly, the applicant-appellant- Acquiring Body has filed Appeal No. 251 of 2016, wherein the deceased Gangabai w/o. Sambhaji Madge was one of the respondent. But, pending the appeal, respondent Gangabai w/o. Sambhaji Madge passed away. The appellant-Acquiring Body is intending to bring legal representatives of deceased Gangabai on record. Therefore, learned counsel for applicant- Acquiring Body prayed to allow the application for bringing legal representatives of deceased on record by condoning the delay, if any, for filing the present petition.
3. Learned counsel for respondents-original claimants has no any objection for the same.
4. In view of submissions and reasons mentioned in the application, there is no impediment to allow the application as prayed. Hence, civil application for bringing legal representatives of deceased respondent No. Gangabai w/o. Sambhaji Madge stands allowed in terms of prayer

clause 'a' and 'b'. The delay caused for filing present application is hereby condoned. The abatement of proceedings against deceased respondent stands quashed and set-aside. The applicant- Acquiring Body to take requisite steps for bringing legal representatives of deceased respondent on record by necessary amendment within two weeks.

5. After requisite amendment, issue notice to the legal representatives of deceased respondent on record. Mr. Y. P. Deshmukh, learned counsel waives service of notice for respondents-original claimants.

6. The civil application stands disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

rrd.