

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 7583 OF 2018
IN FA/274/2013

SHIVAJIRAO VISHWANATHRAO MORE AND ANR
VERSUS
THE STATE OF MAH AND ANR

...

Advocate for Applicants : Mr. Mahesh P. Kale
AGP for Respondents: Ms. S.S. Raut

CORAM : K.K. SONAWANE, J.
DATE : 21st JUNE , 2018.

PER COURT:

1. Heard learned counsel for applicants and learned AGP for respondent No.1 State of Maharashtra.
2. Perused applications and relevant documents produced on record. Admittedly, deceased appellants namely Shivajirao More and Ashokrao More have preferred appeal accompanied with Civil Application for condonation of delay for agitating the validity and propriety of the award passed in LAR No. 726 of 2004. Present applicants are the legal heirs of deceased Shivajirao Vishnathrao More. It has been submitted that pending the application for condonation of delay in the present appeal, the appellant Shivajirao passed away on 23.11.2013. The applicants being legal representatives of deceased appellants filed present applications seeking permission for substitution in the proceedings as appellants in place of deceased appellant.
3. Considering the nature of subject matter and the relevant documents produced on record pertain to death certificates of deceased appellant- Shivajirao as well as succession certificates issued by Grampanchayat Authority showing the applicants are the legal heirs of

deceased Shivajirao, there is no impediment to allow the application as prayed. Hence, civil application for bringing legal representatives of deceased appellant Shivajirao on record stands allowed in terms of prayer clause 'A' and 'B'. The delay, if any, caused for filing present application is hereby condoned. The abatement of proceedings against deceased appellants also hereby set-aside and quashed. The applicants be allowed for substitution in the proceedings as co-applicants/appellants. Accordingly, requisite amendment be carried out within a period of two weeks.

The civil application is disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-