

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

901 CIVIL APPLICATION NO. 7579 OF 2018 IN FA/1853/2012

KISAN KHANDU @ BANDU KHENDKE
VERSUS
THE STATE OF MAH

...
Advocate for Appellants : Mrs. R. M. Monale h'f Mr. S.S. Choudhary
AGP for Respondent-State: Mr. A.M. Phule
...

CORAM : K.K. SONAWANE, J.

DATED : 19th JUNE, 2018.

Order :-

1. Heard learned counsel for the parties.
2. Perused the application. It has been submitted that Kisan Khandu @ Bandu Khendre had filed first appeal No. 1853 of 2012 for enhancement of compensation, but pending the appeal he passed on in the month of July, 2015. The applicants are legal heirs of the deceased appellant Kisan. The applicants are intending to substitute themselves as an appellants in this matter being legal representatives of deceased original appellant -Kisan. Therefore, they moved present application seeking permission for substitute themselves in place of deceased Kisan in this matter.
3. The learned APP fairly conceded for suitable orders in the interest of justice.
4. For the reasons stated in the application, the same is allowed in terms of prayer clause "B". The delay caused in

present application stands condoned. Abatement of the proceeding stands quashed and set aside. The applicants are allowed to substitute themselves in place of deceased Kisan in the present appeal. Requisite amendment be made in the appeal memo within two weeks.

5. Accordingly, application stands disposed of. No order as to costs.

[K. K. SONAWANE]
JUDGE

MTK.