

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

**952 CIVIL APPLICATION NO.7892 OF 2018
IN
FIRST APPEAL NO. 2405 OF 2016**

ROHINI BASAVESHWAR MAIRAN AND ORS ..Applicants

VERSUS

THE EXECUTIVE ENGINEER, MINOR
IRRIGATION DIVISION, OSMANABAD
AND ANR

..Respondents

...

Advocate for Applicants : Shri V.S. Tanwade
Advocate for Respondent No.1 : Shri S.G. Sangle
AGP for Respondent No.2 : Shri P.G. Borade

...

CORAM : P.R. BORA, J.

Dated: September 05, 2018

PER COURT :

1. The learned Counsel for the applicants submitted that, he has filed the *Vakalatnama* on behalf of the present applicants in another application, seeking withdrawal of the amount, and he will file his *Vakalatnama* in the present matter also.

2. In the application, it is contended that, the persons named in the application are the only legal heirs of deceased respondent no.2.

3. The learned Counsel for Acquiring Body submitted that, unless there is Heirship Certificate produced on record, the

application cannot be allowed. I am, however, not convinced with the objection so raised.

4. After having considered the submissions, the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The legal heirs of deceased respondent no.2 as are mentioned in the application be taken on record. Necessary amendment be carried out forthwith.

(P.R. BORA, J.)