

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

**927 CIVIL APPLICATION NO. 8354 OF 2018
IN FA/397/2015**

VITTHAL KHANDU JADHAV(DIED)THROUGH LR.S BALU AND ANOTHER
VERSUS
THE EXECUTIVE DIRECTOR, KKM PUNE AND ORS

...
Advocate for Applicants : Smt. R.M. Mohale h/f Mr. S.S. Chaudhary
Advocate for respondent No. 1: Mr. J.R. Patil h/f Mr. Gulab Rajale
AGP for Respondent No. 2 : Mr. P.G. Borade
...

WITH CA/8355/2018 IN FA/399/2015

..

CORAM : K.K. SONAWANE, J.

DATED : 4th JULY, 2018.

Order :-

1. Heard learned counsel for the applicants, learned counsel for respondent - Acquiring Body and learned AGP for respondent- State. Perused the application.
2. Admittedly, respondent-Acquiring Body has preferred the appeals against impugned judgment and award passed by the learned Reference Court under section 18 of the Land Acquisition Act, 1894. In the present proceedings of first appeals No. 397 and 399 of 2015, the Acquiring Body impleaded original claimant-Vitthal Khandu Jadhav as respondent in the appeals. Pending the appeals, respondent - Vitthal Khandu Jadhav, passed away on 15-01-2018. The applicants being legal heirs of respondent - Vitthal Khandu Jadhav, they are intending to substitute themselves as respondents in both the proceedings of appeals.
3. In view of nature of subject-matter, there is no impediment to allow the applicants to substitute themselves as respondents in the proceedings of appeals filed against deceased respondent - Vitthal Khandu Jadhav. Accordingly, the civil applications stand allowed in

terms of prayer clause "B". The delay caused in filing the present application stands condoned. Abatement of the proceedings, if any, stands set aside. The applicants are permitted to substitute themselves as respondents being legal heirs of deceased respondent - Vitthal Khandu Jadhav in the array of respondents. The appellant- Acquiring Body to carryout requisite amendment in the proceedings of appeals within four weeks from today.

4. The Civil applications stand disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK.