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

CIVIL APPLICATION NO.9341 OF 2018 IN
FIRST APPEAL NO.664 OF 2009

Namdeo s/o Eknath Khotkar, Died L.Rs.
Rambhabai Namdeo Khotkar & others ... APPLICANTS

VERSUS

The City and Industrial Development
Corporation of Maharashtra & others ... RESPONDENTS

.....
Shri D.R. Jaybhar, Advocate for applicants
Shri A.S. Bajaj, Advocate for respondent No.1
Shri S.N. Morampalle, A.G.P. for State
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CORAM: A.M. DHAVALÉ, J.

DATED : 6th August, 2018.

ORAL ORDER :

1. Heard learned Advocates for the parties. Land of Namdeo Eknath Khotkar was acquired for CIDCO and thereafter transferred to Airport Authority. Namdeo died during the pendency of reference proceedings and his legal representatives were brought on record. One of his legal representatives, 1-B Kisan has died during the pendency of the appeal, on 1.11.2016. Obviously, CIDCO authorities must not be

aware about the death. His legal representatives were also not brought on record. The respondents have also not filed pursis under Order 22 Rule 10-A, informing about his death. Now the legal heirs have filed this application for their impleadment. The other legal heirs of original land holder Namdeo are already on record. Death of Kisan will not effect abatement. The CIDCO authority was not aware. Hence, the delay is condoned. The application is allowed and it is directed that, legal representatives of Kisan be brought on record. The appellant to furnish copy of amended appeal memo to all the respondents.

2. Learned Advocate for the applicants waives service for proposed legal representatives in the Appeal. Advocate for appellant to supply copy of amended memo of appeal. Civil Application is disposed of.

(A.M. DHAVAL)
JUDGE

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