

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

CIVIL APPLICATION NO. 12823 OF 2017 IN FA/107/2015

SHIVSINGH HIRAMAN SHIRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. S. K. Adkine.
AGP for Respondent No.1 : Ms. S. S. Raut.
AGP for Respondent No.1 : Mr. A. M. Phule.
...

CORAM : K.K. SONAWANE, J.

DATED : 3rd JULY, 2018.

Order :-

1. Heard Mr. Adkine, learned counsel for applicants-original claimants and learned AGP for respondent No.1 State of Maharashtra. No one else appeared on behalf of respondent No.2 – Acquiring Body. Perused the application and relevant documents.

2. It has been submitted that First Appeal No. 107 of 2015 came to be filed on behalf of appellant- Shivsing Hiranman Sihre. But, pending the appeal he passed away in the month of August 2015. The applicants are legal heirs of deceased Shivsing. The applicants produced the document of death certificate and succession certificate issued by Grampanchayat Lahnyachiwadi, Taluka Fulambri, District Aurangabad. Therefore, learned counsel for applicants prayed to allow the applicants to substitute themselves as legal heirs of deceased appellant on record by condoning the delay, if any, for filing the present petition.

3. Admittedly, present appeal was filed on behalf of deceased appellant Shivsing. He died in the month of August-2015. The applicants are legal heirs of deceased Shivsing. Therefore, there is no impediment to allow the applicants to join the proceedings as appellants in this appeal. Hence, in view of reasons mentioned in the application, application deserves to be allowed.

4. Accordingly, the application stands allowed in terms of prayer clauses 'B' and 'C'. The delay caused for filing present application is hereby condoned. The abatement of proceedings against deceased appellant stands quashed and set-aside. The applicants are permitted to substitute themselves as appellants in the present proceedings being legal heirs of deceased appellant - Shivsing Hiranman Sihre. The applicants to take requisite steps for bringing legal representatives of deceased appellant on record by necessary amendment within a period of two weeks. After requisite amendment, applicants to file amended appeal memo on record. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.