

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14892 OF 2017
IN
CIVIL APPLICATION NO. 12344 OF 2013
IN
FIRST APEAL ST. NO. 23701 OF 2013

Subarao Parasram Naiknaware
(Deceased through LRs)

Applicants

Versus

The State of Maharashtra
& another

Respondents

Mr. R.D. Khadap, advocate for applicants.
Mr. A.M. Phule, AGP for respondents.

CORAM : M.S. SONAK, J.
DATE : 5th JANUARY, 2018

PER COURT:

1. Infact, the appellants ought to have taken out the application for bringing on record the legal representatives of deceased respondent-claimant. Instead, this application has been taken out by respondents themselves. Respondents have even gone to the extent of seeking condonation of delay in filing this application. The application is entirely misconceived and liable to be dismissed.

2. Since no legal representatives have been brought on record, technically, the appeal abates and is required to be dismissed as such. However, since, the legal representatives are too eager to come on record, abatement is set aside. Leave is granted to bring on record legal representatives of deceased respondent-claimant.

Appellant to carry out necessary amendment within two weeks from today.

3. Civil application stands disposed of in aforesaid terms.

(M.S. SONAK, J.)

dyb