

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

CIVIL APPLICATION NO. 170 OF 2018 IN FAST/6252/2014

DATTU SURYABHAN BASAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. E. S. Murge.
AGP for Respondent No.1 : Mr. B. V. Virdhe.
Advocate for Respondent No.2 (original claimant) : Mr. R. R. Imale.

...
WITH CA/171/2018 IN FAST/6260/2014
...

CORAM : K.K. SONAWANE, J.

DATED : 5TH JANUARY, 2018.

Order :-

Heard learned counsel for applicants and learned AGP for respondent No.1 State of Maharashtra as well as learned counsel for respondent No.2 - Acquiring Body.

2. Perused applications and relevant documents produced on record. Admittedly, deceased appellants namely Ranjit Dattu Basad and Chandrabhan Babu Basad with other co-appellants have preferred appeal accompanied with Civil Application for condonation of delay. Present applicants are legal heirs of deceased Ranjit and Chandrabhan. It has been submitted that pending the application for condonation of delay, the co-applicants - Ranjit and Chandrabhan died on 13-06-2015 and 28-09-2017. The applicants being legal representatives of deceased appellants filed present applications seeking permission for substitution in the proceedings as legal representatives of deceased applicants respectively on record by condoning the delay, if any, for filing the present petition.

3. Considering the nature of subject matter and the relevant documents produced on record pertain to death certificates of deceased appellants- Ranjit and Chandrabhan as well as succession certificates

issued by Grampanchayat Authority Pathrud, Taluka Bhum, District Osmanabad showing the applicants are legal heirs of deceased Ranjit and Chandrabhan respectively, there is no impediment to allow the applications as prayed. Hence, civil applications for bringing legal representatives of deceased appellants Ranjit Dattu Basad and Chandrabhan Babu Basad stand allowed in terms of prayer clause 'B' and 'C'. The delay, if any, caused for filing present application is hereby condoned. The abatement of proceedings against deceased appellants stand set-aside and quashed. The applicants be allowed for substitution in the proceedings as co-applicants/appellants. Accordingly, requisite amendment be carried out within a period of two weeks.

4. The civil applications stand disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

rrd.