

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

CIVIL APPLICATION NO. 841 OF 2018 IN FA/481/2014

DATTA DASHRATH SHINDE (DIED) THR LRS AMBADAS AND ORS
VERSUS

GMIDC THR ITS EX. ENGINEER, MID JALNA AND ORS

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Advocate for Applicants (original claimants) : Mr. Pratik A. Bhosle.

Advocate for Respondent No.1 : Mr. R. D. Biradar.

AGP for Respondents No. 2, 3 : Mr. B. V. Virdhe.

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WITH CA/843/2018 IN FA/478/2014

WITH CA/846/2018 IN FA/483/2014

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CORAM : K.K. SONAWANE, J.

DATED : 18TH JANUARY, 2018.

Order :-

Heard learned counsel for applicants (original claimants) and learned counsel for respondent No.1- Acquiring Body as well as learned AGP for respondents No. 2 and 3. Perused application and relevant documents produced on record.

2. Learned counsel for applicants (original claimants) submits that respondent No.1- Acquiring Body has preferred First Appeal/s accompanied with application/s for condonation of delay against applicants (original claimants). Meanwhile, respondents (original claimants) - Datta Dashrath Shinde, Baban Sakharam Tehle and Aasaram Punjaram Gadekar passed away on 03-01-2015, 06-01-2012 and 11-03-2012 respectively. The applicants are the only legal representatives of deceased original claimants - Datta, Baban and Aasaram. The applicants have produced copy of death certificate of deceased original claimants and succession certificate issued by Grampanchayat authority of Village Devi-Dahegaon, Taluka Ghansawangi, District Jalna. Therefore, learned counsel for applicants prayed to allow the applications for bringing legal representatives of deceased on record by condoning the delay, if any, for filing the present petition.

3. In view of submissions and reasons mentioned in the applications, there is no impediment to allow the applications as prayed. Hence, civil applications for bringing legal representatives of deceased respondents (original claimants) respondents (original claimants) - Datta Dashrath Shinde, Baban Sakham Tehle and Aasaram Punjaram Gadekar stand allowed in terms of prayer clause 'B' and 'C'. The delay, if any, caused for filing present applications is hereby condoned. The abatement of proceedings against deceased respondents (original claimants) stand quashed and set-aside. The respondent (appellant) - Acquiring Body is hereby directed to take requisite steps for bringing legal representatives of deceased respondents (original claimants) on record by necessary amendment within three weeks.

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

[K. K. SONAWANE]
JUDGE

rrd.