

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

**CIVIL APPLICATION (ST) NO.10638 OF 2018
IN
FIRST APPEAL NO.310 OF 2006**

Fakira Binnu Motkari and others ... Applicant
v/s
The Special Land Acquisition Officer,
National Highway, Nashik and others ... Respondents

Mr Sandip Waghmare for Applicant.
Mr A.R. Patil, AGP for Respondent No.1.

***CORAM : K.K. TATED AND
B.P. COLABAWALLA, JJ.***

DATE : 06 APRIL, 2018.

P.C. :-

1. Not on board. At the request of learned counsel for Applicant, the matter is taken on board for urgent orders.
2. Heard learned counsel for the parties.
3. By this Civil Application, Applicant is seeking permission to delete the name of Respondent No.4 – Janabai Bhika Motkari from the cause title of First Appeal No.310 of 2006. He submits that Respondent No.4 died on 22nd February 2010 without any legal representatives. Therefore, there is no question of bringing her legal representatives on

record.

4. Considering the submission made by the leaned counsel for the Applicant and averments made in the Civil application, we satisfy for allowing this Civil Application at Applicant's costs and consequences.

5. Civil application is allowed in terms of prayer clause (a) which reads thus :-

- “A) a) the name of Respondent No.4 i.e. Jaanabai w/o Bhika Motkari be deleted from the record.”
- B) Amendment to be carried out on or before 5th May 2018.
- C) Amended copy of the First Appeal to be served on other side thereafter immediately.
- D) Civil application stands disposed off accordingly.

(B.P. COLABAWALLA, J)

(K.K. TATED, J.)