

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.1888/2018 IN C.A.F.NO.2785/2018
IN F.A.ST.NO.25408/2014

Vidarbha Irrigation Development Corporation, through its E.E. Medium
Project, Nagpur .vs. Ajabrao Sitaram Deshmukh (Dead) and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. N. M. Gaidhane, Advocate for appellant.
Mr. C. R. Najbile, Advocate for respondent no.1.
Mrs. M. Naik, A.G.P. for respondent nos. 2 and 3.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 17, 2018

Vidarbha Irrigation Development Corporation,
approached this Court to challenge the judgment and
decree passed by the learned Jt. Civil Judge Senior
Division, Nagpur in Land Acquisition Case No.143/2001.
However, for filing the appeal, there was a delay.
Therefore, the appeal was accompanied with an
application i.e. Civil Application No.2785/2018 filed
under Section 5 of the Limitation Act for condonation of
delay. Before issuance of any notice on this application,
suo motu Mr. Najbile, Advocate appeared before the
Court and waived the service of notice for and on behalf
of the original claimant and his legal representatives.

Learned A.G.P. waived notice for State and Special Land Acquisition Officer.

Before any order on the application could be passed, Mr. Najbile, learned counsel filed a pursis vide Pusi Stamp No.13540/2018, intimating therein that respondent no.1-Bhaiyalal left for heavenly abode on 05.2.2014, leaving behind his legal representatives whose names are mentioned in the pursis. Copy of the said pursis was duly served upon the learned counsel for the V.I.D.C.

Though, it is the duty of the appellant to bring names of the legal representatives of the deceased, especially when the names were given to the appellant, no application was filed.

This application is filed by Lilabai Bhaiyalal Deshmukh, Shobhatai Anilrao Barange and Sangita Bhaiyalal Deshmukh. Lilabai is widow of Bhaiyalal, Shobhatai is a married daughter whereas Sangita is an unmarried daughter of the deceased. They preferred an application under Order 1 Rule 10 of the Code of Civil Procedure for substituting their names in place of their predecessor-in-title late Bhaiyalal Deshmukh. Mr.Gaidhane, learned counsel for the VIDC has no objection for allowing this application.

Consequently, Civil Application No.1888/2018 is allowed. In place of deceased Bhaiyalal Deshmukh, his legal representatives be

substituted. Counsel for the appellant is directed to bring legal representatives of deceased Bhaiyalal as per the order passed by this Court. Amendment be carried out within one week from today.

Place this application for further consideration on 25.10.2018.

JUDGE

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