

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

**973 CIVIL APPLICATION NO.2838 OF 2013
IN FAST/122/2013
WITH CA/2794/2013 IN FAST/166/2013
WITH CA/2796/2013 IN FAST/162/2013
WITH CA/2800/2013 IN FAST/151/2013
WITH CA/2804/2013 IN FAST/133/2013
WITH CA/2824/2013 IN FAST/174/2013
WITH CA/2836/2013 IN FAST/142/2013
WITH CA/2806/2013 IN FAST/127/2013**

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DEPT. ZP,
AHMEDNAGAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for Applicant : Mr. Shelke Shivaji T.
AGP for Respondents/State : Mr. R.B. Bagul
...

**CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 06th SEPTEMBER, 2019.**

ORDER :

. In all these applications which are for condonation of delay in filing first appeals filed by the acquiring body, the above said applications have been abated as against respondent No.3, respondent No.4, respondent Nos.2 to 5, respondent No.4, respondent No.2, respondent No.2 and respondent No.3, vide order dated 13.12.2013 in view of the fact that those respective respondents had expired. Since then till today, no steps have

been taken by the acquiring body to get the said abatement set aside and bring the legal representatives of the respective respondents on record. Further Civil Application No.2804 of 2019 stood dismissed as against respondent Nos.5A to 5D by same order in view of the fact that no steps were taken to serve them. The acquiring body intends to challenge the judgment and award passed by the reference Court in Land Acquisition Proceedings and under such circumstance, the award that was passed was joint and several in nature. When those Civil Applications have been abated in the event that the legal representatives of the deceased respondents were not brought on record, under such circumstance, the matter cannot proceed and the appeals also cannot proceed. In view of the decision in **State of Punjab Vs. Nathu Ram [AIR 1962 SC 89]** which was then reiterated in **Bibijan and Ors. Vs. Murlidhar and Ors. [1995 (1) SCC 187]**, all these applications are disposed of as a whole.

(SMT. VIBHA KANKANWADI, J.)

SCM