

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

912 CIVIL APPLICATION NO.3963 OF 2013  
IN FAST/1149/2013 WITH FA/1255/2008 WITH CA/10810/2014 IN  
FA/1255/2008 WITH CA/3962/2013 IN FAST/1149/2013

THE STATE OF MAH AND ANR  
VERSUS  
VILAS DIGAMBARRAO DESAI

...

Advocate for Applicant-State : Mr. A.M. Phule  
Advocate for Respondent: Mr. S.S. Manale.

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**CORAM : P.R. BORA, J.**

**DATED : 10<sup>th</sup> JANUARY, 2019**

**PER COURT:-**

1. When the present matters were taken up for consideration, it is revealed that the State has not brought on record the legal heirs of the sole respondent. The record further reveals that the original claimants have preferred the First Appeal No.1255/2008 seeking enhancement of amount of compensation as awarded in L.A.R. No.319/1988. In the said First Appeal, the legal heirs of the deceased-respondent are taken on record. Since the appeal filed by the Government is also against the decision rendered in L.A.R. No.319/1988, I permit the appellant-State to take on record the legal heirs as are shown in First Appeal No.1255/2008. The legal heirs of deceased respondent shall also taken on record in Stay Application. The learned AGP shall carry out the amendment forthwith.

2. Shri Manale, the learned counsel waives service of notice for legal heirs of deceased-respondent. Service in the application filed

by the State, thus is completed.

3. Delay of 1786 has occurred in filing the appeal by the State. In view of the fact that the appeal filed by the original claimant against the same award is pending for consideration, and in view of the fact that the learned counsel for the original claimants has not seriously disputed for condoning the delay, the delay is condoned. The application for condonation of delay stands disposed of.

4. Appeal be registered in accordance with law.

5. After registration of the appeal, issue notice to the respondents, returnable on 11.01.2019. Mr. Manale, waives service of notice for respondent/s. Service is completed.

6. List the First Appeal No.1255/2008 with appeal filed by the Government on 11.01.2019. Print and paper book dispensed with.

**( P.R. BORA )  
JUDGE**

Sudhir Rane