

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

CIVIL APPLICATION NO. 9541 OF 2018

IN

FIRST APPEAL NO. 1616 OF 2016

Tukaram Balu Chame (Died)
Through Legal Representatives.

Applicants.

Versus

M.I.D.C. Through Divisional
Office, Latur and another.

Respondents.

Mr. Milind Patil, Advocate for the applicants.

Mr. S.S. Dande, Advocate for respondent No.1.

Mr. M.M. Nerlikar, A.G.P. for respondent No.2.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 24 January 2019.

ORDER :-

. The application is filed for permission to come on record as the successors of respondent in appeal i.e. Tukaram Balu Chame. The application is filed by son of deceased, wife of son of deceased and grand son of deceased. It is contended that the deceased has executed Will in favour of these applicants, so they are entitled to come on record as Legal Representatives of the deceased.

2. It appears that application was filed by the other Legal Representatives like daughters of deceased Tukaram for permission to come on record as Legal Representatives of the deceased.

3. Heard both sides.

4. Though there is Will in favour of the present applicants, the fact remains that this Court is required to consider prima facie as to who can be treated Legal Representative on the basis of Will, which cannot be possible by this Court considering the limited jurisdiction given to Land Reference Court. In view of these circumstances all the legal representatives like all the daughters of deceased and present applicants and also the widow of deceased are to be brought on record as legal representatives of the deceased.

5. Delay caused is condoned. Application is allowed. Correction is to be made in the appeal memo accordingly.

6. Issue notice to the respondents in the First Appeal. Learned Counsel Mr. Patil waives service of notice for the present applicants. Learned Counsel Mr. Manale accepts the notice on behalf of other legal representatives of deceased.

7. Civil Application is disposed of in aforesaid terms.
8. List the First Appeal for final hearing when paper book is filed by the M.I.D.C. Private paper book is allowed.
9. Place the Appeal on 1 March 2019.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/