

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

**CIVIL APPLICATION NO.8602 OF 2015
IN FAST/31316/2014
WITH CA/8610/2015 IN FAST/27009/2014**

**EXECUTIVE ENGINEER MEDIUM IRRIGATION PROJECT DHULE
VERSUS
CHANDANBAI BHAWANSIN GIRASE AND ORS**

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Ms. Vaishali Patil Jadhav, Advocate for applicant.
Mr. R.B. Bagul, AGP for Respondents/State.
Mr. A.B. Kale, Advocate for Respondent No.2-A.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30th AUGUST, 2019

ORDER :

. Both these applications have been filed by the acquiring body for getting the delay of 475 and 418 days condoned respectively. The acquiring body intends to challenge the impugned judgment and award passed by the learned reference Court. However, it is to be noted that the acquiring body has not taken steps in respect of deceased respondent No.1 in view of order passed on 26.07.2019 on or before 23.08.2019 and therefore, conditional order has come into effect. The appeals/applications stood dismissed as against respondent No.1.

2. It is to be noted that the steps were required to be taken in respect of legal heirs of deceased respondent No.1, who was the original claimant. The judgment and award that was passed by the learned reference Court was joint and several and it was a money decree. Under such circumstance, when legal heirs are not brought on record within the stipulated period, the applications stand abated as a whole and therefore, both the applications are disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM