

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

942 CIVIL APPLICATION NO.13674 OF 2019
IN FA/1574/2007

LAXMIBAI BABURAO LOHGAONKAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. Shrikant Y. Patil
AGP for Respondents: Mr. S.N. Morampalle

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CORAM : V.L. ACHLIYA, J.

DATED : 22nd NOVEMBER, 2019

PER COURT:-

. The present application is filed by the legal representatives of deceased original respondent Baburao to bring them on record. It is submitted that deceased respondent Baburao died on 20.07.2016. The appellants have not taken any steps to bring the legal representatives of deceased respondent on record. After knowing the pendency of present proceeding, the applicants have made an enquiry and filed this application to bring them on record as they are the only legal heirs of the deceased respondent and the cause of action survives to prosecute the appeal for the deceased respondent.

2. Learned AGP have no objection to allow the application in terms of prayer clauses B and C.

3. Considering the fact that the applicants are legal heirs of the deceased respondent and the appellants have not taken steps to bring the L.Rs of the deceased respondent, the application

deserves to be allowed. Accordingly the application is allowed in terms of prayer clauses B and C. Applicants are permitted to prosecute the appeal in place of deceased respondent. Necessary amendment/substitution be carried out within two weeks from the date of this order.

4. The application stands disposed of.

5. List the appeal for final hearing on 16.01.2020.

6. Learned counsel for the applicants submits that out of 11 appeals arising out of judgment of reference court, seven appeals are decided by this Court (Coram : Sunil K. Kotwal, J.) vide common judgment and order dated 07.01.2019 and two appeals were dismissed in default. Beside the appeal, FA No.342/2017 arising out of same group is pending for adjudication. Since the assignment of this court pertains to hear First Appeals up to the year 2010, the learned counsel is directed to take necessary steps to place both the appeals before one and the same Court.

7. S.O to 16.01.2020.

(V.L. ACHLIYA)
JUDGE

SPR