

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1717 OF 2013
IN
FIRST APPEAL NO.708 OF 1995**

The State of Maharashtra
(Through The Special Land
Acquisition Officer) ..Applicant

V/s.

Shri.Ganu B. Bhoir
(Deceased) Thr. Lrs.
1A. Shri.Govardhan Ganu Bhoir & Ors. .. Respondents

Mr.Yogesh Dabke, AGP for the Applicant.

CORAM : K.K. TATED, J.

DATE : 30th JULY 2019

P.C.

1. Heard Mr.Dabake, learned AGP for the applicant.
2. By this Civil Application, the applicant is seeking permission to bring the legal heirs on record of deceased respondent No.1-Shri.Ganu Bapu Bhoir who died on 28.01.1991.
3. The learned AGP for the applicant submits that, they learnt about the death of the respondent No.1 when the notices issued to him returned unserved. Thereafter, they made inquiry and

learnt that the respondent No.1 died during the pendency of LAR in Trial Court itself. He submits that even the original applicants-claimants failed to make an appropriate application in LAR proceedings for bring the legal heirs on record of deceased respondent No.1. Therefore, there is a delay in preferring the Civil application.

4. Considering the submissions made by the learned AGP for the applicant and the averments made in the Civil Application, I am satisfied that applicant has made out case for allowing the Civil Application. Hence, following order :-

Order

- (i) Delay in filing the Civil application is condoned.
- (ii) Abatement is set aside.
- (iii) Applicant is permitted to bring the legal heirs on record of deceased respondent No.1 in First Appeal No.708 of 1995 and pending Civil Applications on or before 31st August 2019, failing which the Civil Application shall stand dismissed without referring back to the Court.
- (iv) The Civil Application is disposed of accordingly.
- (v) No order as to costs.

(K.K. TATED, J.)