

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.1249/2019 IN FIRST APPEAL NO.805/2015

Vidarbha Irrigation Development Corporation, Through Executive Engineer,
Bembla Project Division, Yavatmal

...Versus...

Shaligram @ Shalik Laxmanrao Chute and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.B. Patil, Counsel for applicant/appellant
Shri V.R. Baseshankar, Counsel h/f Shri A.H. Jamal, Counsel for respondent no.1
Smt. Hemlata Jaipurkar, AGP for respondent nos.2 and 3

CORAM : ARUN D. UPADHYE, J.
DATE : 27/03/2019

Heard.

It is submitted that the respondent no.1 is reported to be dead. The learned Counsel for the respondent no.1 has filed Pursis to that effect on 4/6/2018 and after knowledge the present application is filed by the applicant/appellant for condoning the delay caused in filing the application for bringing legal heirs of respondent no.1 on record.

Learned Counsel for the respondent no.1, however, has objected for the same and submitted that the first appeal is already admitted.

After hearing the learned Counsel for the parties and after perusal of the application and the documents placed on record, it appears that the respondent no.1 expired on

2/8/2016 as per the death certificate issued by the Grampanchayat, Pahur. It further appears that the learned Counsel for the respondent no.1 has filed Pursis on record on 4/6/2018 intimating the death of the respondent no.1. Thereafter, this civil application is filed for condonation of delay in filing the application for bringing legal heirs of respondent no.1 on record.

Having heard the learned Counsel for the parties and for the reasons stated in the application, the delay caused in filing the application for bringing the legal heirs of respondent no.1 on record is condoned. The civil application is allowed and disposed of. No order as to costs.

CIVIL APPLICATION (CAF) NO.1251/2019

Heard.

Perused the application.

The learned Counsel for the respondent no.1 has objected for allowing the civil application. However, for the reasons stated in the application, the civil application is allowed. The legal heirs of respondent no.1 are allowed to be brought on record. Amendment be carried out within two weeks.

The civil application stands disposed of accordingly. No order as to costs.

JUDGE