

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

**936 CIVIL APPLICATION NO.797 OF 2020
IN FAST/38208/2017
WITH CA/800/2020 IN FAST/38208/2017**

VITHOBA MARUTI MURME (DIED) THR. LRS SUMAN AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr.M.R.Malpani h/f. Mr.Ajeet B.Kale
AGP for Respondents No.1 & 2 : Mr.R.B.Bagul
Advocate for Respondent No.3 : Mr.S.B.Patil

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CORAM : K. K. SONAWANE, J.
Date: January 23, 2020

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PER COURT :-

1. Heard learned counsel for the applicants and learned AGP for respondents No.1 and 2 as well as learned counsel for respondent No.3. Perused the applications and other relevant documents produced on record.

2. It appears that original claimant No.2 namely Balaji Vitthal Murme had preferred LAR No.485 of 2014 against the Acquiring Body. But, pending the Reference Petition, he passed away on 27.07.2008. His legal heirs were not brought on record in the Reference Petition, hence proceeding stands abated against said claimant No.2 after efflux of stipulated period. Therefore, the applicants i.e. legal heirs of claimant No.2 Balaji Vitthal Murme, have no way concerned at all with the present proceeding as their names were not recorded on behalf of the appellant-Acquiring Body by adopting the legal procedure. In such circumstances, both the civil applications filed by the legal heirs of original claimant No.2 Balaji Vitthal Murme, being inapt and premature, stand dismissed.

(K. K. SONAWANE, J.)