

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

**957 CIVIL APPLICATION NO.1750 OF 2020
IN FAST/26791/2019**

NAMDEV BHAJANA CHAVAN (DIED) THR LRS BHAGWAN AND ANR
VERSUS
THE EX. ENGINEER, MEDIUM PROJECT DIV. LATUR AND ORS

...
Advocate for Applicants : Mr.Gopal D.Kale
Advocate for Respondent No.1 : Mr. S.G. Bhalerao
AGP for Respondents No.2 & 3 : Mr.S.N.Morampalle

...
CORAM : K.K.SONAWANE, J.

DATE: 12th February, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for the respondent No.1-Acquiring Body as well as learned AGP for respondents No.2 and 3.
2. Present application is filed on behalf of legal heirs of deceased respondent No.1-Namdeo Bhajana Chavan, seeking permission to substitute themselves as party respondents in this matter in place of deceased respondent No.1- Namdeo Bhajana Chavan.
3. It has been contended that the applicants are the legal heirs of deceased respondent No.1- Namdeo Bhajana Chavan. He passed away on 17.11.2017. He was party respondent in

proceeding of Civil Application No. 13728 of 2019, filed on behalf of present respondent No.1-Acquiring Body for condonation of delay. The applicants-legal heirs of deceased respondent No.1-Namdeo Bhajana Chavan are intending to pursue the matter after their appearance in the proceeding as party respondents.

4. In view of nature of the subject matter, there is no impediment to allow the applicants to substitute themselves as party respondents in this matter in place of deceased respondent No.1-Namdeo Bhajana Chavan, their father. Therefore, application stands allowed in terms of prayer clauses-'B' and 'C'. Delay caused in filing the present application is condoned. Abatement of proceeding, if any, falling death of respondent Namdeo Bhajana Chavan, is quashed and set aside. The applicants-legal heirs of deceased respondent No.1- Namdeo Bhajana Chavan be allowed to substitute themselves as party respondents in the present proceeding.

5. Appellant-Acquiring Body to carry out requisite amendment forth-with.

(K.K.SONAWANE)
JUDGE

SPT