

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

962 CIVIL APPLICATION NO. 1048 OF 2020
IN FAST/35014/2018

THE STATE OF MAHARASHTRA AND ORS
VERSUS
MALLAPPA GANPATI BYALE (DEAD) THR LRS KAMLAKAR AND ORS

...
AGP for Applicants : Mr. P.M. Kulkarni

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

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. The applicants being legal heirs of deceased respondent Dhondiba Krushna Byale filed present application seeking permission to substitute themselves as party respondent in this proceeding of appeal filed by the appellant – State of Maharashtra. The applicants produced document of Succession/Heirship Certificate issued under seal and signature of Sarpanch of concerned Gram Panchayat.

2. It is worth to mention that matter pertains to compensation of the amount under section 18 of the Land Acquisition Act, 1984. The Reference Court granted enhancement of compensation and passed money decree in the form of award. In such circumstances, it would hazardous to rely upon succession certificate issued by Sarpanch of concerned village Panchayat about legal heirs of deceased Dhondiba. Therefore, proposed heirs of deceased respondent cannot be allowed to be substituted themselves as L.Rs. of deceased respondent in the present proceedings for want of authentic document that they are legal heirs of deceased Dhondiba. Therefore, application being devoid of merit, stands dismissed.

**[K. K. SONAWANE]
JUDGE**