

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

**957 CIVIL APPLICATION NO.1422 OF 2020
IN FAST/31743/2018**

MAHADEO BHAGUJI KALE (DIED) THR.LRS. VISHNU MAHADEO
KALE AND ANR.

VERSUS

THE EX. ENGINEER, BEED IRRIGATION DIVISION, THR G.M.I.D.C.,
AURANGABAD

Advocate for Applicant : Mr.V.P.Latange h/f. Mr.T.G.Gaikwad
Advocate for Respondent No.1 : Mr.Sudhir G. Bhalerao
AGP for Respondent No.2 : Mr.S.P.Deshmukh

CORAM : K.K.SONAWANE, J.

DATE: 6th February, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel appearing for respondent No.1-Acquiring Body as well as learned AGP for respondent No.2-State of Maharashtra. Perused the application and other relevant documents produced on record.

2. Present application is filed seeking permission to allow the applicants to substitute themselves as legal heirs of deceased respondent No.1-Mahadeo Bhaguji Kale. The applicants produced death certificate of Mahadeo Bhaguji Kale and their succession certificate issued by the Gram Panchayat, Sarfarajpur, Tq.Parali, Dist.Beed.

3. Admittedly, the appellant-Acquiring Body filed proceeding of First Appeal accompanied with application for condonation of delay. Deceased Mahadeo Bhaguji Kale was shown as respondent No.1. But, pending the proceeding, he has expired. The applicants are legal heirs of Mahadeo Bhaguji Kale and they are intending to substitute themselves as party respondents on behalf of deceased respondent-original claimant.

4. In view of aforesaid submission, there is no impediment to allow the application. Accordingly, application stands allowed in terms of prayer clause-‘B’ and ‘C’. The delay caused in filing present application is hereby condoned. Applicants No.1(A) and 1(B) are permitted to substitute themselves as party respondents in place of deceased respondent No.1 – Mahadeo Bhaguji Kale.

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

(K.K.SONAWANE)
JUDGE

SPT