

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

**957 CIVIL APPLICATION NO.1420 OF 2020
IN FAST/31737/2018**

DHANUBAI HIRA RATHOD (DIED) THR.LRS.BHAGWAN HIRA
RATHOD AND ORS.
VERSUS
THE EX. ENGINEER, BEED IRRIGATION DIVISION, THR G.M.I.D.C.,
AURANGABAD AND ANR.

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-Dhanubai Hira Rathod. The applicants produced death certificate of Dhanubai Hira Rathod and 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 Dhanubai Hira Rathod was shown as respondent No.1, being legal heir of original claimant deceased - Hira Sakharam Rathod. But, pending the proceeding, Dhanubai Hira Rathod also breathe her last breath. Rest of respondents No.2 to 4 are only her legal heirs and they are intending to substitute themselves as party respondents on behalf of deceased Dhanubai Hira Rathod.

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 the present application is hereby condoned. Applicants No.1 (A) to 1 (C) are permitted to substitute themselves as party respondents in place of deceased respondent No.1 - Dhanubai Hira Rathod.

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

(K.K.SONAWANE)
JUDGE