

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO.2851 OF 2020
IN FAST/28127/2019

ASHRUBA BAYAJI DOKE (DIED)
THROUGH HIS LRS VINAYAK ASHRUBA DOKE AND ANOTHER.
VERSUS
EX. ENGINEER, BEED IRRIGATION DIVISION, BEED UNDER GMIDC,
AURANGABAD AND ANR

Advocate for Applicants : Mr. T.G. Gaikwad
Adv. for Respondent No.1: Mr. B.R. Surwase.
AGP for respondent No.2 : Mr. S.N. Morampalle.

CORAM : K.K. SONAWANE, J.

DATE : 2nd March, 2020.

PER COURT:

Heard learned counsel for the applicant and learned counsel for Acquiring Body as well as learned AGP for State of Maharashtra.

The applicants have filed the present application seeking permission to substitute themselves as respondents in the present appeal being Lrs of deceased respondent - Ashruba Bayaji Doke. The applicants submit that the deceased respondent initiated proceeding under Section 18 of the Land Acquisition Act. for enhancement of compensation of his acquired land. The learned Reference Court partly allowed the Reference Petition. The Acquiring Body being aggrieved by the compensation enhanced by the Reference Court, preferred the appeal. However, pending the proceeding, the original claimant, namely, Ashrubha Bayaji Doke, passed away. The applicants are the legal heirs of the deceased respondent and they are intending to pursue the matter for substantial justice. Therefore, they are seeking permission to substitute themselves as party

respondent, in place of the deceased respondent, being his legal heirs. The applicants have produced death certificate and heir-ship certificate issued by the Gram Sevak of the concerned Gram Panchayat, Kadamwadi, Taluka and Dist. Beed.

The learned counsel for the Acquiring Body has no objection to allow the applicants to substitute themselves in the proceeding as party respondents and in view of submission and death of the original claimant - respondent - Ashruba Bayaji Doke, the applicants being legal heirs are entitled to pursue the matter in the interest of justice. Therefore, there is no impediment to allow the application.

Accordingly, the application stands allowed in terms of prayer clause (B) and (C). The delay caused for filing the present application is hereby condoned. The applicants are permitted to substitute themselves as party respondents in place of deceased respondent - Ashruba Bayaji Doke. The respondent Acquiring Body shall carry out the amendment within two weeks. Accordingly the application stands disposed of.

[K.K. SONAWANE]
JUDGE.

Grt/-.