

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

**990 CIVIL APPLICATION NO.3331 OF 2020
IN FAST/34132/2018**

THE G.M.I.D.C., THR THE EX. ENGINEER, BEED IRRIGATION
DIVISION, BEED AND ORS
VERSUS

ANURATH SURYABHAN NEHARKAR AND ORS.

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Advocate for Applicants : Mr.Anil M. Gaikwad

AGP for Applicant-State : Mr.S.P.Tiwari

Advocate for Respondents No.1 to 4-B : Mr.Abhijeet V. Thombre

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CORAM : K.K.SONAWANE, J.

DATE: 13th March, 2020

PER COURT:-

1. Heard learned counsel for the applicant-Acquiring Body. Perused the application and other relevant documents produced on record.

2. It has been contended that respondent No.5-Bhagabai Hariba Mundhe in the proceeding of First Appeal (Stamp) No.34132 of 2018, is no more and the applicant-Acquiring Body is intending to bring legal heirs of deceased respondent No.5-Bhagabai Hariba Mundhe, on record. Therefore, the applicant-Acquiring Body preferred present application. But, it appears that applicant-Acquiring Body produced the documents about death certificate and succession/heirship certificate on record in respect of claimant namely Bhamabai Hariba Mundhe. It appears

from the original decree passed by the learned Reference Court in LAR No.31 of 2005, that there is one Bhagabai Hariba Mundhe impleaded as claimant No.5 in the said proceeding. In such circumstances, documents about death and succession/heirship certificate issued in the name of Bhamabai Hariba Mundhe cannot be taken on record at the instance of applicant-Acquiring Body for bringing the legal heirs of deceased respondent No.5- Bhagabai Hariba Mundhe, on record. Therefore, application deserves to be dismissed.

3. Accordingly, application stands dismissed. No order as to costs.

(K.K.SONAWANE)
JUDGE

SPT