

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

**990 CIVIL APPLICATION NO.3332 OF 2020
IN FAST/34128/2018**

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

...
Advocate for Applicant-Acquiring Body : Mr.Anil M.Gaikwad
AGP for Applicants-State : Mr.S.P.Tiwari

...
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 sole respondent-Sahjiba Vithal Mundhe in the proceeding of First Appeal (Stamp) No.34128 of 2018, is no more and the applicant-Acquiring Body is intending to bring legal heirs of deceased respondent-Sahjiba Vithal Mundhe, on record. Therefore, the applicant-Acquiring Body preferred present application. But, it appears that applicant-Acquiring Body produced the documents of death certificate and succession/heirship certificate on record of the person namely Sahebrao Vithal Mundhe. It appears from the original

decree passed by the learned Reference Court in LAR No.62 of 2005, that Sahjeba Vithal Mundhe was the original claimant in the said proceeding. In such circumstances, documents about death and succession/heirship certificate issued in the name of Sahebrao Vithal Mundhe cannot be taken into consideration at the instance of applicant-Acquiring Body for bringing the legal heirs of deceased respondent-Sahjeba Vithal Mundhe, on record. Therefore, application deserves to be dismissed.

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

(K.K.SONAWANE)
JUDGE

SPT