

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

**990 CIVIL APPLICATION NO.3330 OF 2020
IN FAST/34147/2018**

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

...
Advocate for Applicant-Acquiring Body : Mr.Anil M. Gaikwad
AGP for Appellant-State: Mr.S.P.Tiwari
Advocate for Respondent No.1 : Mr.A.V.Thombre and
Mr.M.S.Karad

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CORAM : K.K.SONAWANE, J.

DATE: 13th March, 2020

PER COURT:-

1. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondent No.1. Perused the application and other relevant documents produced on record.

2. It has been contended that the respondents-original claimants preferred reference petition under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation amount. It was partly allowed. The applicant-Acquiring Body did not satisfy with the market value determined by the Reference Court and therefore, they filed First Appeal (Stamp) No.34147 of 2018 with Civil Application No.4495 of 2019 for condonation of delay. However, it reveals that respondent No.2- Rajabhau Kisan Aghav passed away on 20.08.2016. Respondents No.2-A to 2-C are the legal heirs of deceased respondent No.2- Rajabhau Kisan Aghav.

3. The applicant-Acquiring Body produced death certificate and succession/heirship certificate issued under the seal and signature of Gram Sevak of Gram Panchayat Chardari, Tq.Dharur, Dist.Beed. Mr.A.M.Gaikwad, learned counsel attested the same as 'true copy' of original documents.

4. In view of nature of the subject matter and documents produced on record, there is no impediment to allow the applicant-Acquiring Body to bring the legal heirs of deceased respondent No.2- Rajabhau Kisan Aghav, on record. Accordingly, application stands allowed in terms of prayer clause-'B'. Delay caused in filing application is condoned. Abatement, if any, after death of respondent No.2- Rajabhau Kisan Aghav, is hereby set aside. Applicant-Acquiring Body is permitted to bring the legal heirs of deceased respondent No.2- Rajabhau Kisan Aghav on record within one week.

5. Accordingly, application stands disposed of.

(K.K.SONAWANE)
JUDGE

SPT