

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

**986 CIVIL APPLICATION NO.3381 OF 2020
IN FAST/38927/2018**

VITTHAL DAGADU RAUT AND ORS.

VERSUS

THE EX. ENGINEER, BEED IRRIGATION DIVISION, BEED. THR.
G.M.I.D.C., AURANGABAD AND ANR.

...
WITH CA/4727/2019 IN FAST/38927/2018

...
Advocate for Applicants-claimants : Mr.Dattatraya R. Jayabhar
AGP for Respondent-State : Mr.S.P.Tiwari
Advocate for Respondent-Acquiring Body : Mr.Sudhir G.Bhalerao

...
CORAM : K.K.SONAWANE, J.

DATE: 13th March, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for respondent-Acquiring Body as well as learned AGP for the respondent-State of Maharashtra.
2. Civil Application No.3381 of 2020 is filed seeking permission to substitute the applicants No.2-A to 2-D in place of deceased respondent No.2-Nivrutti Dagadu Raut as party respondents in proceeding of First Appeal (Stamp) No.38927 of 2018 and connected Civil Application.
3. It has been contended that the appellant-Acquiring Body has filed appeal against the impugned Judgment and award passed by the learned Civil Judge, Senior Division, Beed in LAR No.726 of 2006. But, pending the appeal, respondent No.2-Nivrutti Dagadu Raut passed away. Applicant Nos.2-A to 2-D are the legal heirs of deceased respondent No.2-Nivrutti Dagadu Raut and they are seeking permission to substitute themselves

as party respondents in the present appeal in place of their father deceased respondent No.2- Nivrutti Dagadu Raut.

4. The applicants produced succession certificate issued by the Gram Sevak of Gram Panchayat, Shahajapur and death certificate on record. The aforesaid documents reveal that respondent No.2- Nivrutti Dagadu Raut died on 09.07.2008. The applicants No.2-A to 2-D are the only legal heirs of deceased respondent No.2 and no other else. Therefore, there is no impediment to allow the legal heirs of deceased respondent No.2- Nivrutti Dagadu Raut to pursue the proceeding as party respondents for substantial justice. Hence, application deserves to be allowed. Accordingly, application stands allowed. The applicants No.2-A to 2-D, the legal heirs of deceased respondent No.2- Nivrutti Dagadu Raut, are permitted to substitute themselves as party respondents in the present proceeding of First Appeal (Stamp) No.38927 of 2018 with Civil Application No.4727 of 2019 for condonation of delay.

5. The appellant-Acquiring Body shall carry out the necessary amendment within one week. After requisite amendment, issue notice to the respondents-legal heirs of deceased respondent- Nivrutti Dagadu Raut. Mr.D.R.Jayabhar, learned counsel waives service of notice for the respondents-legal heirs of deceased respondent-Nivrutti Dagadu Raut.

6. Accordingly, application stands disposed of.

(K.K.SONAWANE)
JUDGE

SPT