

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

**923 CIVIL APPLICATION NO.7055 OF 2019
IN FA/835/2007**

SHAMRAO KONDIBA KAMBLE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
**WITH CA/7054/2019 IN FA/835/2007
WITH CA/7056/2019 IN FA/835/2007
WITH CA/7060/2019 IN FA/1409/2007
WITH CA/7061/2019 IN FA/1409/2007
WITH CA/7064/2019 IN FA/1409/2007
WITH CA/7065/2019 IN FA/1409/2007
WITH CA/8530/2019 IN FA/835/2007**

...
Advocate for Applicants : Mr.B.K.Pawar h/f. Mr.A B Kale
AGP for Respondent No.1 : Mr.Y.G.Gujrathi
Advocate for Respondent No.2-Acquiring Body :
Ms.Geeta Deshpande and Mr.S.C.Arora in respective matters

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CORAM : K.K.SONAWANE, J.
DATE: 30th January, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for the Acquiring Body as well as learned AGP for the State of Maharashtra. Perused the applications and other relevant documents produced on record.
2. It has been contended that the original claimants initiated proceeding under Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation for their acquired lands. The learned Reference Court partly allowed the Reference Petition and granted meager amount of compensation. Being dissatisfied with the decision of the learned Reference Court, original claimants preferred First Appeals to redress their grievances. But, pending the appeals, some of the appellants-

original claimants passed away. The applicants are legal heirs of the respective deceased appellants-original claimants. They preferred present applications seeking permission to pursue the present appeals, being legal heirs of respective deceased appellants-original claimants.

3. Learned counsel for respondent No.2-Acquiring Body and learned AGP for respondent No.1-State of Maharashtra consented for passing suitable orders in the interest of justice.

4. The applicants in the respective applications have produced death certificates and succession certificates on record. Obviously, in view of nature of the subject matter, the legal heirs of respective deceased appellants-original claimants have a legal right to pursue proceeding of respective appeals for substantial justice. Therefore, there is no impediment to grant permission to the applicants to join the proceeding of respective appeals as the appellants in place of respective deceased appellants-original claimants. Therefore, applications deserve to be allowed.

5. Accordingly, applications stand allowed. Delay caused for bringing legal heirs of respective deceased appellants-original claimants on record is hereby condoned. Abatement, if any, stands quashed and set aside. The applicants are hereby permitted to cause appearance in the respective appeals, being appellants in place of respective deceased appellants. Requisite amendment be carried out within two weeks.

6. Accordingly, the applications stand disposed of.

(K.K.SONAWANE)
JUDGE

SPT