

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

954 CIVIL APPLICATION NO.12805 OF 2019
IN FAST/1731/2019 WITH CA/12806/2019 IN FAST/1731/2019

GUNDAPPA APPARAO BIRAJDAR (DIED) HIS LRS MAROTI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Laxmikant C. Patil
AGP for Respondents: Mr. R.B. Bagul.

CORAM : K.K. SONAWANE, J.

DATED : 08th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicant and learned AGP for respondent Nos. 1 and 2.

By this application, the applicants have prayed for taking them on record as LR's of deceased Gundappa Apparao Birajdar. However, there is delay in filing the application for taking them on record as LR's of deceased Gundappa. In support of the application, they have produced the death certificate of deceased Gundappa and succession certificate of the applicants, issued by the competent authority.

Admittedly, the deceased Gundappa passed away during the pendency of reference petition. However, the LR's of deceased Gundappa were not aware about the proceeding of Reference Petition pending before the Reference Court. Therefore, they could not secure their presence in the matter before Reference Court. By order dated 24th August, 2015, the learned CJSD, Latur has adjudicated the Reference Petition on merit. Thereafter, the LRS of deceased Gundappa came to know about the award passed by the Reference Court from the other villagers. Thereafter, they have approached this court by filing

the present application alongwith prayer for condonation of delay.

In view of these circumstances, I do not find any impediment to allow the application for taking the LRs of deceased Gundappa on record. The delay caused for filing the application is condoned. The application is accordingly allowed and disposed of.

[K. K. SONAWANE]
JUDGE

GRT/-