

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

CIVIL APPLICATION NO.14351 OF 2019 IN FA/1482/2019

GINANDEV RAMKISAN CHOURE AND ORS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVN BEED AND ORS

...
Advocate for Applicants : Mr. Dnyaneshwar A. Bide
Advocate for Respondents No.1 : Mr. Shyam C. Arora
AGP for Respondents No.2 and 3 : Mr. **S. P. Deshmukh**

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CORAM : K.K. SONAWANE, J.

DATED : 10th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicants and learned counsel for respondent No.1 – Acquiring Body as well as learned AGP for respondents No.2 and 3 State of Maharashtra and SLAO. Perused the application and other relevant documents produced on record.

2. It has been contended that deceased Ramkisan s/o. Rama Choure and other claimants preferred petition under Section 18 of the Land Acquisition Act, 1894, vide LAR No. 109 of 2010. The learned Reference Court, after appreciating the evidence on record, partly allowed the claim. Being dis-satisfied with the impugned Judgment and Award by the learned Reference Court, the appellants preferred first appeal to redress their grievances. Pending appeal, respondent No.2-original claimant Ramkisan s/o. Rama Choure passed away on 30-03-2018. The applicants are legal heirs of deceased claimant - Ramkisan. At this juncture, the applicants are intending to substitute themselves as party respondents in place of deceased claimant-original respondent No.2 Ramkisan s/o. Rama Choure. The applicants produced death certificate and succession certificate on record issued by the Gram Panchayat Office, Jivachiwadi, Taluka Kaij, District Beed.

3. The learned counsel for respondent No.1 and learned AGP for respondents No.2 and 3 conceded to pass appropriate order in the interest of justice.

4. Admittedly, the applicants are legal heirs of deceased claimant-original respondent No.2 Ramkisan s/o. Rama Choure, who is no more and died on 30-03-2018.

5. In view of nature of the subject-matter and being land acquisition proceeding for enhancement of compensation, legal heirs of deceased claimant-original respondent No. 2- Ramkisan s/o. Rama Choure are entitled to prosecute the matter for substantial justice. Therefore, there is no impediment to allow the applicants to substitute themselves as party respondents in place of claimant-original respondent No. 2 – Ramkisan s/o. Rama Choure. Therefore, civil application deserves to be allowed.

6. Accordingly, civil application is allowed in terms of prayer clause "B and C". The delay caused for filing present application stands condoned. The abatement of proceeding is hereby quashed and set-aside. The proceeding of appeal is restored at it's original stage. The applicants being legal heirs are permitted to substitute themselves as party respondents No. 2-A and 2-B in place of deceased respondent No. 2 – Ramkisan s/o. Rama Choure. The respondent-appellant i.e. Acquiring Body to carry out amendment within prescribed period under the law.

7. The Civil Application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE