

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

CIVIL APPLICATION NO. 12170 OF 2019
IN
FIRST APPEAL NO. 4985 OF 2017

NAGRAM S/O BHOJA RATHOD (DIED THROUGH LRS.)
VERSUS
THE COLLECTOR AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Vitthal B. Wayal
AGP for Respondents No.1 and 2 : Mr. R.B. Bagul

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

DATED : 9th JANUARY, 2020.

ORDER :-

1. Heard learned counsel for the applicants and learned AGP for respondents No. 1 and 2. Perused the application and other relevant documents.
2. The appellant-original claimant Nagraj-Nagram S/o Bhoja Rathod is no more and he died on 25-07-2017. The applicants are legal heirs of original claimant. They are interested to pursue the matter being legal heirs of deceased original appellant. Therefore, they preferred present application seeking permission to allow them to substitute in the proceeding of the appeal as appellants in place of original appellant being his legal heirs. The applicants also produced the documents of death certificate and succession certificate issued by the concerned Gram Panchayat.
3. In view of reasons mentioned in the application, and attending circumstances on record, it is evident that the appellant-original claimant in the present proceeding is no more and he died on 25-07-2017. As per the documents issued by village Panchayat, the present applicants are legal heirs of deceased appellant.
4. In view of nature of subject-matter, legal heirs of deceased appellants are entitled to prosecute the present appeal to redress their

grievance as enumerated in the appeal. Hence, the Civil Application deserves to be allowed. Accordingly, Civil Application stands allowed in terms of prayer clauses "B and C". The applicants are allowed to substitute themselves as appellants being legal heirs of original claimant-appellant. Requisite amendment be carried out forthwith.

5. Accordingly, Civil Application stands disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK