

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

955 CIVIL APPLICATION NO. 14354 OF 2019  
IN FA/419/2019

AKTHARBEE KHAYUMSAB KURESHI (DIED) THR LRS AZAM AND ORS  
VERSUS  
THE UNION OF INDIA DEPUTY CHIEF ENGINEER, DIVISIONAL  
(CONSTRUCTION) C.R. PUNE -1

...  
Advocate for Applicants : Mr. Dattatray D. Sarawade Patil  
Advocate for Respondent No. 1 : Mr. Manish N. Navandar  
AGP for Respondent No.2: Mr. S.P. Deshmukh

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

**DATED : 9<sup>th</sup> JANUARY, 2020.**

**ORDER :-**

1. Heard learned counsel for the parties.
2. Perused the application. It has been contended that respondent- Acquiring Body – Union of India through Deputy Chief Engineer Divisional (Construction) C.R. Pune-1 preferred First Appeal No. 419 of 2019 against original claimants and Government Authority. In the proceeding of appeal, one of the claimants, namely, respondent No. 1 – Akhatarbee Khayumsab Kureshi died on 06-11-2008. The legal representatives of deceased respondent No.1 were not aware about the proceedings pending before the Reference Court. At this juncture, applicants are intending to substitute themselves as party respondents in the proceeding in place of deceased respondent No. 1 – Akhatarbee Khayumsab Kureshi. The applicants produced death certificate and succession certificate on record by the Gram Panchayat Authority.
3. The learned counsel for respondent-Acquiring Body fairly conceded to pass appropriate order in the interest of justice.

4. Admittedly, the applicants are legal heirs of deceased respondent No. 1 – Akhatarbee Khayumsab Kureshi, who is no more and died on 06-11-2008.

5. In view of nature of subject-matter and being land acquisition proceedings for enhancement of compensation, legal heirs of deceased respondent No. 1 – Akhatarbee Khayumsab Kureshi 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 respondent No. 1 – Akhatarbee Khayumsab Kureshi. Therefore, application deserves to be allowed.

6. Accordingly, civil application is allowed in terms of prayer clause "B". The applicants are permitted to substitute themselves as party respondents being legal heirs of deceased respondent No. 1 – Akhatarbee Khayumsab Kureshi. Respondent No. 2 - Azam S/o Khayumsab Khureshi and respondent No. 3 - Phayum S/o Khayumsab Kureshi, who are legal heirs of deceased respondent No. 1 – Akhatarbee Khayumsab Kureshi are already on record . Rest of legal heirs i.e. Ekbar s/o Khayumsab Kureshi and Jakar S/o Khyumsab Kureshi are hereby permitted to substitute themselves as party respondents No. 1-A and 1-B. The appellant -Acquiring Body to carry out amendment forthwith.

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

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK