

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

CIVIL APPLICATION NO.231 OF 2020 IN FA/1683/2016

MUKTABAI DHONDIBA RANSING (DIED) THR LRS POPAT AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. N.N.Bhagwat h/f. Mr.Chandrakant K. Shinde
AGP for Respondents No.1 and 2 : Mr. Y. G. Gujrathi

CORAM : K.K. SONAWANE, J.

DATED : 28th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicants and learned AGP for the respondents. Perused the application and other relevant documents produced on record.

2. The applicants moved present application seeking permission to substitute themselves as party respondents in place of deceased respondent-original claimant – Muktabai Dhondiba Ransing. It has been contended that the appellant preferred the proceeding bearing First Appeal No. 1683 of 2016 against the impugned Judgment and Award passed by learned District Judge, Beed, in LAR No. 431 of 2010. Pending the appeal, respondent- original claimant Muktabai Dhondiba Ransing passed away on 12-11-2011. The applicants are the legal heirs of deceased respondent-original claimant – Muktabai Dhondiba Ransing. At this juncture, the applicants are intending to substitute themselves as party respondents in place of deceased respondent-original claimant Muktabai Dhondiba Ransing. The applicants produced copy of death certificate and copy of heirship certificate issued by Grampanchayat Office, Kharadgavhan, Taluka Aashti, District Beed.

3. The learned AGP for respondents conceded to pass appropriate order in the interest of justice.

4. Admittedly, original claimant Muktabai Dhondiba Ransing initiated the proceeding under Section 18 of Land Acquisition Act, 1894, vide LAR No. 431 of 2010. The learned Reference Court dealt with the matter and passed impugned Judgment and Award. The respondent-State of Maharashtra and Acquiring Body preferred proceeding of first appeal against respondent-original claimant and put in controversy the impugned Judgment and Award passed by the learned Reference Court. Unfortunately, the respondent-claimant breathed her last. The document of heirship certificate shows that the applicants are only legal heirs of deceased respondent-original claimant Muktabai, who is no more and died on 12-11-2011. In such circumstances, there is no impediment to allow the applicants being legal heirs of deceased original claimant-respondent Muktabai to pursue the proceeding of First Appeal No. 1683 of 2016, in the interest of justice. Therefore, Civil Application deserves to be allowed.

5. Accordingly, Civil Application is allowed in terms of prayer clause "B, C and D". The delay caused for filing present application stands condoned. The abatement of proceeding, if any, after death of sole-respondent-claimant Muktabai, is hereby quashed and set-aside. The applicants are permitted to substitute themselves as party respondents in place of deceased respondent-original claimant – Muktabai Dhondiba Ransing. The appellants i.e. State of Maharashtra to carry out amendment within period of two weeks.

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

Sd./-

[K. K. SONAWANE]
JUDGE