

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

**72 CIVIL APPLICATION NO.15145 OF 2019
IN FAST/35020/2017**

NANDABAI AMBADAS MOGAL (DIED) THR. LRS BHARAT & ANR
VERSUS

GODAVARI MARATHWADA IRRIGATION LOWER DUDHANA
PROJECT, MAJALGAON THR. ITS EX. ENGINEER

...

Advocate for Applicants-claimants : Mr.Kailas B. Jadhav

AGP for Respondents-State : Mr.P.M.Kulkarni

Advocate for Respondent No.1 : Mr.S.U.Shaikh h/f.

Mr.R. D. Biradar

...

CORAM : K.K.SONAWANE, J.

DATE: 17th February, 2020

PER COURT:-

1. Heard learned counsel for the applicants-legal heirs of deceased respondent No.1-Nandabai Ambadas Mogal and learned counsel appearing for respondent No.1-Acquiring Body as well as learned AGP for respondents No.2 and 3.

2. Present application is filed on behalf of legal heirs of deceased respondent No.1-Nandabai Ambadas Mogal for seeking permission to substitute them as the party respondents in the present appeal filed against deceased respondent No.1-Nandabai Ambadas Mogal by the appellant-Acquiring Body. The applicants have produced the documents of death certificate as well as heirship certificate issued by the Civil Judge, Junior Division, Sailu, showing the applicants as legal heirs of deceased respondent No.1-Nandabai Ambadas Mogal.

3. In view of nature of the subject matter and documents produced on record, there is no impediment to allow the applicants to substitute themselves as party respondents in this matter for pursuing the appeal filed by the appellant-Acquiring Body against the impugned Judgment and award passed by the learned Reference Court in LAR No.237 of 2011.

4. In view of above, the application stands allowed in terms of prayer clause-'B'. Delay caused in filing the application is condoned. The applicants are hereby permitted to substitute themselves as party respondents in the proceeding of the appeal accompanied with the application for condonation of delay filed on behalf of the appellant-Acquiring Body, being party respondents in place of deceased respondent No.1-Nandabai Ambadas Mogal. The appellant-Acquiring Body to carry out requisite amendment within a period of two weeks.

5. Accordingly, application stands disposed of.

(K.K.SONAWANE)
JUDGE

SPT