

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

948 CIVIL APPLICATION NO.15196 OF 2019
IN FA/73/2017

AJIT VASANT PAWAR (DIED) THR LRS VIDYA AND ANR
VERSUS
VASANT GANGARAM PAWAR (DIED) THR LRS ARUNKUMAR AND
ORS

...
Advocate for Applicants : Smt. Sonali G. Satpute h/f
Mr. J. M. Murkute

Adv. for Respondents No. 1, 2(a) to 2(c) and 4 :
Mr. Nandagavale h/f
Mr. V.G. Sakolkar

AGP for Respondents No. 5 : Mr. R.B. Bagul
Advocate for Respondent No. 6 : Mr. P.R. Tandale

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CORAM : K.K. SONAWANE, J.

DATED : 9th JANUARY, 2020.

ORDER :-

1. Present application is moved by legal representatives of deceased respondent No. 3-Ajit Vasant Pawar seeking permission to substitute them as party respondent in this matter and prayed to condone the delay caused in filing the present application.

2. Admittedly, original claimant preferred proceeding bearing First Appeal No. 73 of 2017 against impugned judgment and order passed by learned Reference Court in LAR No. 940 of 2001 under section 18 of the Land Acquisition Act. The appellant-original claimants impleaded original claimant as party respondent. According to applicants, respondent No. 3-Ajit Vasant Pawar died on 10-09-2019 pending the appeal. The applicants being his heirs are intending to prosecute the proceedings of appeal by substituting themselves in place of deceased Ajit Therefore, present application is being moved

seeking permission to prosecute the proceedings of appeal being legal heirs of deceased respondent - Ajit Pawar. The applicants also produced Death Certificate and Succession Certificate on record.

3. As referred above, original claimants No. 1, 2 4 and 5 preferred the appeal against impugned Judgment and award of Reference Court, respondent No. 3 was also one of the claimants, but he did not join the appellants, while filing the appeal, therefore, he has been impleaded as party respondents in this matter. The applicants are legal heirs of deceased respondent - Ajit Pawar. Therefore, there is no impediment to allow the application.

4. For the reasons stated in the application, the Civil Application is allowed in terms of prayer clauses "B and C". The delay caused in filing the present application stands condoned. The applicants are hereby allowed to substitute themselves in place of deceased respondent No. 3 - original claimant as party respondents. The appellants shall carry out necessary amendment within a period of two weeks.

5. Civil Application stands disposed of in above terms. No order as to costs.

[K. K. SONAWANE]
JUDGE

MTK