

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

**939 CIVIL APPLICATION NO.831 OF 2020
IN FA/305/2020**

VITTHAL TATYA DHANWADE (DIED) THR LRS UDDHAV AND ORS
VERSUS

THE EX. ENGINEER, BEED IRRIGATION DIVISION, BEED THR.
G.M.I.D.C., AURANGABAD AND ANR

...
Advocate for Applicants : Mr.Dattatraya R.Jayabhar
Advocate for Respondent No.1 : Mr. Sudhir G. Bhalerao
AGP for Respondent No.2 : Mr.R.B.Bagul

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

DATE: 23rd January, 2020

PER COURT:-

1. Leave to correct title clause in respect of name of applicant No.1-E as Smita @ Gayabai W/o. Vijay Shinde.
2. Heard learned counsel for the applicants and learned counsel for respondent-Acquiring Body as well as learned AGP for the State of Maharashtra. Perused the application and other relevant documents produced on record.
3. Applicants No.1-A to 1-E moved present application seeking permission to substitute them as legal heirs of deceased respondent No.1-Vitthal Tatya Dhanwade in appeal. It has been submitted that respondent-Acquiring Body filed proceeding of First Appeal No.305 of 2020 against deceased respondent No.1-Vitthal Tatya Dhanwade and other co-owners of the acquired

land. Pending the appeal, respondent No.1-Vitthal Tatya Dhanwade disappeared from the village. Learned Civil Judge, Senior Division, Beed declared that there is civil death of respondent No.1-Vitthal Tatya Dhanwade, in a proceeding bearing RCS No.334 of 2018. The applicants No.1-A to 1-E are the legal heirs of deceased respondent No.1-Vitthal Tatya Dhanwade. They produced heir-ship certificate issued by Joint Civil Judge, Junior Division, Patoda on record. The applicants No.1-A to 1-E requested to permit them to substitute respondent No.1 as party respondent in present proceeding in place of their father deceased respondent No.1-Vitthal Tatya Dhanwade.

4. In view of attending circumstances on record, there is no impediment to allow applicants No.1-A to 1-E to substitute them as legal heirs of deceased respondent No.1-Vitthal Tatya Dhanwade in the proceeding of First Appeal No.305 of 2020. Accordingly, application stands allowed. The applicants are permitted to substitute them as legal heirs of deceased respondent No.1-Vitthal Tatya Dhanwade. The appellant-Acquiring Body to carry out requisite amendment within a period of two weeks. After requisite amendment, list the appeal for further process on 13.02.2020.

(K.K.SONAWANE)
JUDGE

SPT