

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO.5409 OF 2021
IN FAST/15504/2020

SHANKAR MAHADAPPA MOTHE MUKUND AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, NANDED AND ORS

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Mr. P.R. Katneshwarkar, Advocate for applicants

Mr. A.M. Phule, AGP for respondent Nos.1 to 3

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JUNE, 2021.

PER COURT :

1 Issue notice to the respondents. Learned AGP waives notice for the respondent Nos.1 to 3.

2 Present application has been filed by the original respondents themselves to bring the legal representatives of present applicant No.2 Piraji, who died on 19.12.2019. It appears that said Piraji expired after the First Appeal is filed. Though there appears to be not compliance of Order 22 Rule 10-A of the Code of Civil Procedure, 1908, but when now the legal representatives themselves are coming before this Court to get themselves

included to the litigation and the fact that the right to sue survives, the present application deserves to be allowed. Accordingly, it is allowed. Learned AGP to carry out the necessary amendment within a period of three weeks. Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

agd