

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

**CIVIL APPLICATION NO.59 OF 2021
IN FA/731/2020**

**HIMMAT DEVCHAND SHINDE AND ORS.
VERSUS
THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, JALGAON AND ORS.**

Mr.V.P.Patil, Advocate for applicants
Mr.S.S.Chillarge, Advocate for respondent nos.1 and 2
Mr.A.A.Jagatkar, AGP for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 10, 2021**

PER COURT :-

Perused the order dated 26.02.2021 passed by this Court in Civil Application No.1058 of 2021 in First Appeal No.35105 of 2019.

2. This application has been moved to bring on record legal representatives of applicant no.2 – Gayabai, who died pending the reference. Gayabai's daughter namely, Nirmalabai was already on record of the proceedings before the reference court. As such, there is no question of abatement of the proceedings.

3. For the reasons given in the application, the same is allowed in terms of prayer clause (B).

[R.G. AVACHAT, J.]

KBP

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PER COURT :-

Heard.

2. For the reasons given in the application, the same is allowed in terms of prayer clause (B). Delay caused in filing the appeal is condoned.

[R.G. AVACHAT, J.]

KBP

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**CORAM : R.G. AVACHAT, J.
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PER COURT :-

Stand over to 17.03.2021.

[R.G. AVACHAT, J.]

KBP