

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.204 OF 2020
WITH
CROSS-OBJECTION NO.6 OF 2020.

The Executive Engineer, Bembla Project Division, Yavatmal

-vs-

Ravindra Maroti Dhawale and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. A. Kadu, Advocate for appellant.

Shri D. A. Sonwane, Advocate for respondent Nos.1 and 2/Cross-objectors.

Shri N. R. Patil, Assistant Government Pleader for respondent Nos.3 and 4.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.

DATE : January 18, 2021

Heard. **Admit.** Call for record and proceedings.

Shri M. A. Kadu, learned counsel for the appellant submits that respondent No.2 Maroti M. Dhawale has expired and leave be granted to bring on record his legal heirs. He submits that as per the contents of Civil Application No.1230/2020 one Sunil Maroti Dhawale is the legal heir of deceased respondent No.2.

Leave granted to implead said legal heir as respondent No.2A.

Shri D. A. Sonwane, learned counsel waives notice of hearing on behalf of respondent No.1. Shri N. R. Patil, learned Assistant Government Pleader waives notice of hearing on behalf of respondent Nos.3 and 4. Shri R. R. Dawda, learned counsel waives notice of hearing on behalf of newly added respondent No.2A.

Cross-Objection No.6 of 2020

Heard. **Admit.**

Shri N. R. Patil, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2. Shri M. A. Kadu, learned counsel waives notice for respondent No.3.

Civil application No.651 of 2020

This application has been filed by the cross-objectors seeking leave to delete the name of applicant No.2 from the array of parties. In the application it has been stated that the applicant No.2 Maroti had executed a Will on 22/12/2016 bequeathing the property in question in favour of applicant No.1.

The name of applicant No.2 is permitted to be deleted at the risk of applicant No.1. It is clarified that the correctness and legality of Will dated 22/12/2016 has not been gone into while passing this order.

Civil Application is disposed of.

Civil application No.1230 of 2020

This application is filed by Sunil Maroti Dhawale for being added as a party to the appeal. This applicant claims to be the son of deceased respondent No.2 and seeks an impleadment as his legal heir.

This application is opposed by the respondent No.1 in the appeal by relying upon Will dated 22/12/2016.

By clarifying that without going into the correctness of the said Will dated 22/12/2016 the applicant is permitted to be impleaded as respondent No.2A in the appeal. This

impleadment is without prejudice to the rights and contentions of respondent No.1 and the newly added respondent shall not seek to contend that this addition is based on the acceptance of Will dated 22/12/2016.

Civil Application is disposed of.

Civil Application No.1531 of 2018

Since the order dated 15/06/2018 directing the applicant to deposit 50% compensation in this Court has been complied with, the execution of the impugned award shall remain stayed during pendency of the appeal.

Civil Application is disposed of.

JUDGE

JUDGE

Asmita
Bhandakkar

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Asmita Bhandakkar
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