

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

915 CIVIL APPLICATION NO.2632 OF 2022
IN FAST/12066/2016

PARSHURAM DAJI GUND (DIED) THR. LRS ASHOK PARSHURAM GUND
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS

...

Advocate for Applicant : Ms. Laxmi R. Thakur, h/f Mr. L. C. Patil.

Advocate for Respondent No.1: Mr. Pravin S. Patil. (Absent).

AGP for Respondent Nos.2 & 3/State: Mr. A. B. Chate.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 26th February, 2022.

P.C.:

. It is an application moved by the original claimant seeking directions to the appellant/acquiring body to bring on record legal heirs of original claimant.

2 Heard Ms. Thakur, holding for Mr. L. C. Patil, learned counsel for applicant and Mr. Chate, learned AGP for responded Nos.2 and 3, who opposed to allow this application. Mr. Pravin Patil, learned counsel for respondent No.1/acquiring body remained absent when the matter is called out.

3 Though there is delay of 2856 days in preferring this application so as to bring on record the legal heirs with prayer for condonation of delay, it needs to be considered. It is revealed that the Reference

Court was pleased to pass judgment and award on 11th March, 2013. Thereafter, the original claimant died on 15th January, 2014. Thereafter, the appellant/acquiring body has preferred the appeal alongwith the application for condonation of delay on 10th March, 2016. By looking to the nature of dispute regarding enhancement of compensation arising out of land acquisition matter, the application needs to be allowed by condoning the delay in the interest of justice. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The appellant/acquiring body is directed to bring on record the legal heirs of original claimant by making necessary amendment in the array of appeal memo and furnish copy of the amended memo to the State and original claimant.
- III. Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]