

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

CIVIL APPLICATION NO.8838 OF 2022
IN FAST/3299/2013 WITH CA/3625/2013 IN
FAST/3299/2013 WITH CA/1837/2015 IN FAST/3299/2013
WITH CA/10377/2014 IN FAST/3299/2013

**MOKINDA RAMBHAU TANDLE (DIED) THROUGH LRS.
VASANT MOKINDA TANDLE AND OTHERS
VERSUS
EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION
UNDER G.M.I.D.C., AURANGABAD AND OTHERS**

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Mr. G.B. Kingre, Advocate for the applicants.
Mr. B..R. Surwase, Advocate for respondent No. 1.
Mr. S.R. Yadav-Lonikar, A.G.P. for respondent Nos.2 and 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 17.08.2022.

ORDER:-

1. The office note says that first name of deceased i.e. respondent No.3 in the appeal, differs in his death certificate. However, on going through the certified copy of the judgment passed by the learned Reference Court, it appears that the name of respondent No. 3 is Mukind s/o Rambhau Tandale which is correctly mentioned in the death certificate. In fact, the learned Counsel for the appellant – Acquiring Body has mentioned the name of respondent No. 3 incorrectly. Leave to correct the same.

2. Leave to correct name of applicant No.1-C. The present application is for bringing the legal representatives of deceased respondent No. 3 on record, who died on 23 October 2019 as per the copy of death certificate annexed. However, considering the right to defend, the legal representatives of deceased respondent No. 3 need to be brought on record. As such, the delay of 767 days in bringing the legal representatives on record stands condoned. The appellant – Acquiring Body i.e. present respondent No.1 is directed to carry out the amendment as mentioned in para -1 of the application within the stipulated period.

3. The Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)