

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

CIVIL APPLICATION NO.5038 OF 2022 IN FA/415/2018

SHANTAYYA APPAYYA SWAMI (DIED) THROUGH LRS
MAHANANDA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. S.N. Patne, Advocate for the Applicants

Mr. S.N. Morampalle, AGP for Respondent Nos.1 and 2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th APRIL, 2022

PER COURT:-

1. It is an application to bring on record the legal heirs of the original claimant.
2. Heard Mr. S.N. Patne, learned counsel for the applicants and Mr. Morampalle, learned AGP for respondent nos. 1 and 2.
3. The original claimant Shantayya Appayya Swami died during the pendency of this appeal on 14.11.2018. There is delay of 1137 days in preferring this application. However, looking to the nature of dispute regarding the enhancement of compensation in case of compulsory acquisition, the application needs to be allowed by condoning the delay and setting aside the order of abatement, if any.

ORDER

- (i) The application is hereby allowed in terms of prayer clauses (B) and (C).
- (ii) The appellants to bring on record the legal heirs of the original claimant Shantayya Appayya Swami by making necessary amendment in the array of appeal memo.
- (iii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane