

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9195 OF 2022
IN FIRST APPEAL NO. 541 OF 2021

SURESH TUJIRAM UNDARE (DIED) THR LRS NANDABAI AND
OTHERS
VERSUS
THE G.M.I.D.C. THR ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. A.N. Nagargoje
AGP for Respondent Nos.2 and 3 : Mr. S.S. Dande
Advocate for Respondent No.1 : Mr. R.B Gaikwad

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CORAM : S.G. DIGE, J.
DATE : 29th June, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondent No.1.

2. Learned Counsel for applicants submits that, respondent No.1 has challenged the Judgment and Award dated 30.06.2017, passed by the learned Civil Judge, Senior Division, Bhoom in L.A.R. No. 208 of 2014.

3. During the pendency of appeal, applicant No.1/original claimant No.1 Suresh Tuljiram Undare is died and his heirs

and legal representatives [1-A to 1-D] are taken on record as applicants. After the death of claimant No.1, the applicants have obtained the Heirship Certificate from concerned authority in which, the name of the applicant No.1-D was mentioned as Simaran Suresh Undare, therefore, the said name has been referred in the Civil Application filed for bringing L.Rs. on record as well as Civil Application for withdrawal of amount.

4. Learned Counsel further submits that, in some documents applicant No.1-D's name is mentioned as Simral. Due to which, applicant is not in position to withdraw the amount, as per the order of this Court. Hence, requested to correct the name of Simaran Suresh Undare in the record and proceeding including all Civil Applications.

5. Considering the submissions of learned Counsel for applicants, correction in name of applicant No.1-D is allowed in terms of prayer clause 'A'. The name of applicant No.1-D be corrected as Simaran @ Simaral Suresh Undare in appeal as well as pending Civil Applications and the disposed Civil Applications for withdrawal of amount.

6. Civil Application is disposed of accordingly.
7. It is made clear that, correction is only for proceedings before this Court.

**[S.G. DIGE]
JUDGE**