

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

962 CIVIL APPLICATION NO.12359 OF 2022
IN FAST/9043/2016

NAMDEO NIVRUTTI MAGAR (DIED) THROUGH L.Rs.
DEVIDAS N. MAGAR (DIED) THROUGH L.Rs. SOJARBAI D.
MAGAR & OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION
OSMANABAD & OTHERS

...
Advocate for the applicants : Mr.V.V.Tarde
AGP for Respondent-State : Mr.A.B.Chate
Advocate for Respondent no.1 : Adv.Purva A. Patil h/f.
Mr.U.K.Patil

...
CORAM : S.G.DIGE, J.
DATE : 16.09.2022

P.C. :

1] Heard the learned counsel for the applicants, the learned AGP for the respondent-State and learned counsel for respondent no.1.

2] The learned counsel for the applicants submits that applicants failed to take steps against deceased respondent, hence, this Court [Coram : K.K.Sonawane, J.], by order dated 12th October, 2017, abated the appeal against the deceased respondent. The legal heirs of respondents was not aware about order passed by this Court, hence, they had filed application to bring them on record before this Court. Accordingly, by order dated 4th

December, 2019, this Court [Coram : Mangesh S. Patil, J.] has allowed the application and legal heirs of the deceased respondent are taken on record. In view of it, it is necessary to recall the order dated 12th October, 2017.

3] Considering the submissions of both learned counsel as well as the legal heirs of deceased respondent are taken on record, order dated 12th October, 2017 passed by this Court is recalled. Civil Application is disposed accordingly.

[S.G.DIGE]
JUDGE

DDC