

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

**10 CIVIL APPLICATION NO.400 OF 2022
IN FAST/14777/2010
WITH
FAST/14777/2010
WITH
FAST/14811/2010**

**RANGRAO VITHALRAO THOSAR (DIED) THR LRS. GAJARABAI
RANGRAO THOSAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
BEED AND OTHERS**

...

Advocate for Applicants: Mr. Bangar Nilkanth P.
AGP for Respondent No.1: Mr. S. P. Deshmukh

...

CORAM: SHRIKANT D. KULKARNI, J.

DATE: 02nd MAY, 2022

PER COURT:

1. It is an application to bring on record legal heirs of claimant Rangrao Vithlrao Thosar who died on 06.01.2007.

2. Heard Mr. Bangar, learned Counsel for the applicants and Mr. S. P. Deshmukh, learned A.G.P. for the State / Respondent No.1. None present for Respondent No.2 / acquiring body when the matter is called out.

3. It appears that acquiring body has preferred the appeal against the impugned judgment and award passed by the Reference Court. Original claimant Rangrao Vithlrao Thosar died on 06.01.2007 after decision in LAR proceedings by the Reference Court. The applicants have given the details of the legal heirs of Late Rangrao Vithlrao Thosar in page No.2. Even though there is inordinate delay in bringing on record the legal heirs but it is not the fault of the applicants. It is for the appellant / acquiring body to bring on record the legal heirs of deceased claimant. Having regard to the nature of dispute, it is necessary to allow this application by setting aside the abatement as prayed.

ORDER

(I) The application is hereby allowed in terms of prayer clause "5(b) to 5(d)".

(II) The appellant / acquiring body is directed to bring on record the legal heirs of Late Rangrao Vithlrao Thosar by making necessary

amendment in the array of appeal memo within six(06) weeks from today.

(III) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

Later on:

4. List these appeals before the Lok-Adalat scheduled to be held on 07.05.2022.

[SHRIKANT D. KULKARNI, J.]

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