

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

967 CIVIL APPLICATION NO.14873 OF 2022
IN FIRST APPEAL NO.31 OF 2020

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THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING [MAJBUTIKARAN] DIVISION, OMERGA
VERSUS
MARUTI RAMA KATWATE
SINCE DECEASED THROUGH HIS L.RS. DHONDABAI &
OTHERS

...

Advocate for the applicant : Mr.M.S.Kulkarni
Advocate for respondent nos.R/1-B to 1-F : Mr.S.A.Wakure
AGP for the respondent-State : Mr.S.S.Dande

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CORAM : S.G.DIGE, J.
DATE : 19.10.2022

P.C. :

1] Heard the learned counsel for the applicant, the learned counsel for the respondent nos.1B to 1F and the learned AGP.

2] The learned counsel for the applicant submits that sole respondent – original claimant is died during pendency of the appeal but the applicant could not bring the heirs and legal representatives of the deceased on record, hence, the learned Registrar abated the appeal against the deceased as the applicant was not aware about legal heirs, hence, the applicant could not file an application to bring legal heirs of the deceased on record. Now the

applicant came to know about the legal heirs of the deceased, hence, the applicant has preferred the appeal. The legal heirs of the deceased be taken on record and delay in filing the present application be condoned.

3] The learned counsel for the respondents has no objection for it.

4] Considering submissions of all learned counsel and the reasons mentioned in the application, the application is allowed in terms of prayer clause-A (i) to (iv). The appellant to carry out amendment within four weeks.

5] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC