

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 17348 OF 2022

IN

WRIT PETITION NO. 9784 OF 2022

Dnyanoba C. Salunke

(Since deceased, through Legal Heirs)

1A. Anup Dnyanoba Salunke and ors.

....Petitioners

Versus

The State of Maharashtra through the
Special Land Acquisition Officer and anr.

....Respondents

Mr. Amar Bodke i/b. Mr. M. V. Thorat, Advocate for the Petitioners.

Mr. A. I. Patel, Addl.GP along with Mr. N. K. Rajpurohit, AGP for
Respondent No.1.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : 18th AUGUST, 2022.

P.C. :

1. By way of interim application, the applicants who are the legal heirs of the petitioner – Dnyanoba C. Salunke seeks participation in the proceedings on behalf of the deceased petitioner. It is submitted in the application that the petitioner – Dnyanoba C. Salunke filed the petition challenging certain communications and prayed for certain reliefs, particularly either lapsing of the acquisition and/or payment of fair compensation to him and when the petitioner expired during the pendency of the petition, the cause raised in the petition still survives.

Along with the application, a copy of the death certificate issued by the competent authority is placed on record at Exhibit-B, page 10. Perusal of the record shows that the petition was filed in the year 2021. Till date, no notice is issued to the respondents in the petition. As such, we are of the opinion that by allowing the application, no prejudice would be caused to the respondents. Accordingly, the application is allowed in terms of prayer clauses (a) and (b) and the applicants are permitted to take appropriate steps to amend the petition within a period of one week from today. The interim application stands disposed of.

2. On amending the petition, the Registry is directed to issue notice to the respondents returnable on **29th September, 2022**. Learned AGP waives notice on behalf of respondent No.1. Learned counsel for the petitioners is permitted to serve respondent No.2 by any other legally permissible mode of service in addition to Court Notice and file an affidavit-of-service before the returnable date.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)