

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO 1159 OF 2022
(for bring legal representatives of deceased appellant no.3
on record)

IN

FIRST APPEAL NO. 1891 OF 2008

IN

L.A.R. NO. 494 OF 2000

KALUBAI EKNATH MUNDKAR

(DECEASED) THR. L.R.S.

1.1 ANKUSH EKNATH MUNDKAR

AND ORS.

} APPLICANTS

IN THE MATTER BETWEEN :

RAMUBAI WALKU KENI (SINCE
DECEASED)

1) PADUBAI WAMAN PATIL (SINCE DECEASED)

THROUGH HER LEGAL REPRESENTATIVES

1/1) YASHWANT WAMAN PATIL AND ORS.

} APPELLANTS

(ORIG. CLAIMANTS)

V/S.

THE STATE OF MAHARASHTRA

THR. THE SPECIAL LAND

ACQUISITION OFFICER, METRO

CENTRE NO.3) & ANR.

} RESPONDENTS

* * * *

Mr. Sachin S. Punde, Advocate for the applicants.

Mr. A.R. Patil, AGP for State.

Coram : Sandeep K. Shinde, J.

Monday, 7th March, 2022.

P.C. :

1) Pending appeal, appellant no.3-Kalubai Eknath Mundkar passed away on 9th October, 2020. This application seeks to bring her legal representatives on record with a prayer to condone the delay and set aside the abatement.

2) For the reasons stated in the application, the delay is condoned. In consequence, the order abating the appeal is set aside. The application is allowed and made absolute in terms of prayer clauses (A), (B) and (C) which reads as under :

“A] This Honourable High Court be pleased to condone the delay in preferring the present Interim Application.

B] This Honourable High Court be pleased to set aside the abatement of First Appeal as against Appellant no.3

C]This Honourable High Court be pleased to permit the Applicants to amend the title of the First Appeal thereby bringing the names of Applicants as Legal representatives of Appellant no.3 on the records of the First Appeal.”

3) Consequential amendments to be carried out within three weeks.

4) Application is disposed of.

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SAWANT

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(Sandeep K. Shinde, J.)