

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1904 OF 2022

IN

WRIT PETITION NO. 243 OF 2022

Vidarbha Irrigation Development Corporation

vs.

Smt. Phulwantabai w/o Nimbaji Sarkate and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Mallika Dhakolkar, Advocate h/f. Mr.M.A.Kadu,
Advocate for petitioner.
Mr. N. R. Rode, AGP for respondent No.2.

CORAM : MANISH PITALE J.

DATE : 05/09/2022

This is an application seeking permission to bring on record the legal representative of original respondent No.1, who expired during the pendency of the present writ petition on 28/05/2022. As per pursis filed by the learned counsel representing the original respondent No.1, the proposed legal representative is sought to be brought on record as he claims right in the property on the basis of a "Will" said to have been executed on 27/12/2019 by the original respondent No.1.

2. For the reasons stated in the application, the same is allowed in terms of the prayers made therein. The consequential amendment in the cause title be carried out within **two weeks** from today.

3. Issue notice to the legal representative of deceased respondent No.1, returnable in **four weeks**.

4. It is made clear that the said sole legal representative of deceased respondent No.1, is brought on record on the basis of information provided by the learned counsel appearing for the original respondent No.1, relying upon a “Will” said to have been executed by the deceased respondent No.1. It is further made clear that by allowing the present application, this Court has not finally decided the question as to whether the said legal representative is indeed the sole legal representative of original respondent No.1. If in future any other person claiming to be the legal representative of deceased respondent No.1, claims any entitlement to the amount of compensation, the said sole legal representative brought on record shall be responsible to satisfy the claim of any such party raising a dispute, in accordance with law.