

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

CIVIL APPLICATION (CAF) NO.2083/2021
WITH
CIVIL APPLICATION (CAF) NO.2084/2021
WITH
CIVIL APPLICATION (CAF) NO.2085/2021
IN
FIRST APPEAL NO.887/2012

Rajkumar Ratilal Shah

Vs.

State of Maharashtra through Sub-Divisional Officer and Land Acquisition Officer,
Akola and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.J. Deshpande, Advocate for appellant/applicant.

Shri M.A. Kadu, AGP for respondent No.1.

Shri J.B. Kasat, Advocate for respondent No.2.

CORAM : M.S. KARNIK, J.

DATED : 19/04/2022

This is an application for setting aside the abatement of the appeal so far as the deceased/appellant is concerned. During the pendency of the appeal, the deceased died on 03/12/2012 leaving behind him the appellants who are his only surviving legal heirs have filed an application for bringing themselves on record since right the sue survives to them.

2. For the reasons stated in the application, I am satisfied that the present application deserves to be allowed and is accordingly allowed.
3. Abatement of the appeal as against the appellant is set aside.
4. Civil Application stands **disposed of**.

CIVIL APPLICATION (CAF) NO.2084/2021

This is an application for condonation of delay of 3500 days caused in filing an application under Order 22 Rule 3 of the Civil Procedure Code for bringing legal representatives of deceased appellant on record. The appellant died on 03/12/2012 leaving behind him the appellants who are his only surviving legal heirs have filed an application for bringing themselves on record since right the sue survives to them. The deceased appellant had filed an appeal for enhanced compensation as land belonging to him was acquired by the MIDC. This application is opposed by learned Counsel for the MIDC. However, in the interest of justice and having regard to the reasons stated in paragraph Nos. 4 and 5 of the application, apart from the oral submissions made on behalf of legal representatives, delay in filing the application deserves to be condoned and is accordingly condoned.

Civil Application is **allowed** in terms of the prayer made.

CIVIL APPLICATION (CAF) NO.2085/2021

This is an application under Order 22 Rule 3 of the Civil Procedure Code, 1908 for bringing legal representatives of appellant on record. The appellant died on 03/12/2012 leaving behind him the appellants who are his only surviving legal heirs have filed an application for bringing themselves on record since right the sue survives to them. The death certificate is enclosed at Exhibit- 'A'.

2. For the reasons stated in the application, the application is allowed and the applicant is permitted to bring the legal representatives of the appellant on record. Consequent amendment to be carried out within two weeks from today. Amended compilation and the paper book be supplied to Shri Kasat, learned Counsel appearing on behalf of the MIDC.

3. Civil Application is **allowed**.

[JUDGE]

R.S.Sahare