

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

919 CIVIL APPLICATION NO.4038 OF 2023
IN FAST/28840/2014

PANDURANG BAPU PATIL DIED LRS RUKMINBAI DIED THR LRS
BALASAHEB P. PATIL AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

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Advocate for Applicants : Mr. P. B. Rakhunde
AGP for Respondent Nos.1 & 2: Mr. B. V. Virdhe
Advocate for Respondent No.3 : Ms. Bharati B. Gunjal

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 29/03/2023.**

P. C. :

1. Leave to delete names of applicant No.1A and 1B since they are already incorporated as applicant Nos.3 & 2.
2. Heard rival submissions.
3. The applicants are seeking permission to bring legal representatives of deceased respondent No.1- Rukhminibai Pandurang Patil in the appeal, who admittedly died on 25/07/2021, by condoning the delay of 235 days.
4. It appears that her legal heirs Kisan and Balasaheb i.e. applicant Nos.2 & 3 are already on record in the appeal itself. However, as per the learned counsel for the applicants, the applicant No.1C – Kakasaheb Pandurang Patil was not brought on record before the reference court due to inadvertence. Now, the said applicant is to be brought on record at this juncture.

5. Though the learned counsel for the appellant - acquiring body raised objection on the ground that Kakasaheb was not brought on record before the reference court as the legal heir of original claimant- Pandurang, but the learned counsel for the applicants submits that the other legal heirs of Rukhminibai are ready to share compensation with Kakasaheb. In view of the same, the application stands allowed only to the extent of bringing applicant No.1C on record by condoning the delay of 235 days.
6. The appellant - acquiring body is directed to carry out the amendment within stipulated period.
7. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)