

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

**CIVIL APPLICATION NO.3463 OF 2022
IN FA/1847/2014**

**ASHROBA NIVRUTTI PAWADE (DIED) THR LRS
ANNASAHEB ASHROBA PAWADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
PARBHANI AND ORS**

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Mr. Deepak M. Kakade, Advocate for the Applicants.

Mr. S. S. Dande, AGP for Respondents-State.

Mr. S. C. Arora, Advocate for Respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. By this application, the applicants seek permission to bring on record the legal heirs of deceased appellant no.2- Shamsundar Ashroba Pawade, who died on 24.05.2015 i.e. immediately after filing the appeal.

2. Mr. Kakade, learned Advocate appearing for the applicants submits that the applicants are rustic villagers. The appeal is filed seeking enhancement of compensation in respect of the acquired land. He would submit that the connected appeals arising out of same acquisition have been settled in the Lok Adalat and enhanced compensation has been awarded to those applicants. He submits that the legal representatives of the deceased were not having knowledge of pendency of the appeal. However, as soon as they got such knowledge, the present

application is moved. The contents of the civil application and contentions raised by Mr. Kakade are not controverted by the respondents.

3. Considering the peculiar circumstances of the fact and nature of litigation, the case is made out to condone the delay as well as permitting the applicants to bring on record the legal heirs as prayed. Hence, the following order:-

ORDER

- a. Civil Application is allowed in terms of prayer Clauses 'A' and 'B'.
- b. The applicants to carry out the amendment within a period of 14 days from today.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE