

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

**CIVIL APPLICATION NO. 8363 OF 2019
IN
FIRST APPEAL STAMP NO. 21403 OF 2014**

The Executive Engineer Minor Irrigation
Division Osmanabad .. Applicant

Versus

Jijabai Digamber Mohite
Since deceased through his L.Rs.
Ashok (Dead) through L.Rs.
Shobha and others .. Respondents

Shri M. L. Dharashive, Advocate h/f Shri Vilas R. Sonwalkar,
Advocate for the Applicant.
Shri R. V. Naiknaware, Advocate for the Respondent No. 1.
Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 3.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 07TH JUNE, 2023.**

FINAL ORDER :

. Heard.

2. By way of present application a prayer is made to permit applicant to bring legal heirs of the respondent No. 1/Jijabai Digambar Mohite on record of civil application as well as pending appeal.

3. It appears that, the proceedings survive even after death of Jijabai Mohite, since the respondent No. 2/ who is original

applicant was prosecuting cause.

4. In that view of the matter there is no impediment in allowing present application. Although there is huge delay in filing the application for bringing the legal heirs on record, learned advocate appearing for the contesting respondent has no objection to allow the application. Considering aforesaid aspect of the matter following order is passed.

ORDER

A. The civil application is allowed in terms of the prayer clauses “A” and “B”.

B. Amendment to be carried out within a period of fourteen (14) days from today.

C. The civil application is disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23