

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

921 CIVIL APPLICATION NO.9570 OF 2023
IN FIRST APPEAL NO.3206 OF 2023

DNYANOBA BHANUDAS DONGARE & OTHERS
VERSUS
THE G.M.I.D.C., THR ITS EX. ENGINEER, LIFT
IRRIGATION DIVISION, OSMANABAD & OTHERS

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Advocate for the applicants : Mr.V.V.Ingale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.1 : Mr.S.B.Bhosale
h/f.Mr.H.T.Gaikwad

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10.10.2023

P.C. :

1] The present Civil Application is filed to bring on record the legal representatives of the deceased Sushila Shridhar Dongare i.e. respondent no.2 in the First Appeal by condoning the delay of 4732 days in filing the present Civil Application.

2] The learned counsel for the applicants relied upon the judgment of this Court in the case of **Basappa Babu Lade & others Vs. The Executive Engineer Minor Irrigation Division, Osmanabad & others** in Civil Application No.4462 of 2019 in First Appeal No.4598 of 2017 wherein this Court has permitted to bring on record the legal heirs of

the deceased when the original claimant had expired during pendency of the proceedings before the Reference Court. This Court has held that one of the claimants have common interest in the matter and continued with the proceedings, the legal heirs of deceased claimant can also be brought on record.

3] The learned counsel for the respondents have no objection to allow the present Civil Application.

4] In view of the same, the application to bring on record the legal heirs of the deceased Sushila Shridhar Dongare is allowed. Delay is condoned. Necessary correction be carried out by the appellant. Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC