

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7935 OF 2023
IN
FIRST APPEAL NO. 824 OF 1997

Kashinath Mahadu Shinde (Deceased) Through ...Applicants/
proposed LRs Ramdas K. Shinde And Ors. ...Appellants

Versus

Laxman Valu Khatale (deceased) through ...Respondent
proposed Lrs. & Ors.

Mr. Amol Wagh a/w. Sachin P. Patil i/b. Sagar Kasar, Advocate for
Appellants/Applicants.

Mr. Rukmini Khairnar i/b. P.N. Joshi, Advocate for LRS of Respondent
No. 1.

CORAM : M.M. SATHAYE, J.

DATE : 12th DECEMBER, 2023

P.C. :

1. Heard both sides. This application is filed for bringing legal heirs of deceased sole Respondent on record. Learned counsel appearing for proposed legal heirs of sole Respondent undertake to file Vakalatnama within a period of 2 weeks from today and waives service.

2. There is delay in filing the application of which condonation is sought. It is a common ground before the Court, that this is a dispute arising out of apportionment of compensation between private parties (Appellant/s and Respondent/s), receivable for land acquisition. In that view of matter, this Court is of the opinion that

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legal heirs of sole Respondent must be brought on record.

3. Learned counsel for proposed legal heirs of sole Respondent fairly submitted to the orders of the Court.

4. In that view of the matter and considering averments in the application, sufficient cause is made out. The application is allowed in terms of prayer cause (a) & (a1). Delay is condoned. The Appellants are directed to bring legal heirs of the deceased sole Respondent on record. Necessary amendment be carried out within a period of three weeks from today, with an amended copy being served upon other side simultaneously.

5. Abatement of the appeal is set aside, as against Appellant No.1.

6. Interim Application is disposed. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)