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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 7718 OF 2023
IN
SECOND APPEAL NO. 836 OF 2005**

Keraba Vithoba Guthal
since deceased through legal heirs
Bhagwat Keraba Guthal & Ors. ...Applicants
Versus
The Settlement and Project Officer
Ujjani Dam Pandharpur & Ors. ...Respondents

Ms. Shradha K. Nakadi, i/b. Mr. Rupesh K. Bobade, for the Applicants.

Mr. A. R. Patil, AGP, for Respondent Nos. 1 to 3-State.

Ms. Bhavika Shinde a/w. Mr. Umesh Mankapure, for Respondent Nos. 4 and 5.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 13th JUNE 2023**

P.C. :

1. This Interim Application is taken out for bringing on record the legal heirs of deceased Appellant No.1B. Deceased Appellant No.1B passed away on 17th June 2016. There is considerable delay of 6 years and 178 days.
2. However, Ms. Shradha Nakadi, learned counsel appearing for

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the Applicants submits that the the Second Appeal was filed by the original Appellant Keraba Vithoba Guthal and after his death, heirs and legal representatives being Appellant Nos. 1A to 1E were brought on record. She submits that Appellant No. 1B passed away on 17th June 2016. However, she submits that other Appellants i.e. Appellant Nos. 1C to 1E are already on record and they are prosecuting the appeal.

3. Mr. A. R. Patil, learned Additional Government Pleader appearing for Respondent Nos. 1 to 3 and Ms. Bhavika Shinde, learned counsel appearing for Respondent Nos. 4 and 5 strongly oppose the application.

4. However, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a), (b) and (c).

5. Amendment be carried out within a period of four weeks from today.

6. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]