

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.26 OF 2023 IN
CROSS-OBJECTION NO.11 OF 2015 IN
FIRST APPEAL NO.53 OF 2011**

(VI.D.C. Vs. Dnyanoba Tukaram Jawade (dead) thr. L.R's and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.B. Patil, Advocate for the appellant.
Ms T. Udeshi, Advocate for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 12, 2023.

Heard.

2. By this application, the applicants are seeking condonation of delay which is caused in bringing the legal representatives of deceased cross-objector/respondent No.1(iv) – Smt. Kusum w/o Shankarrao Bharne on record.

3. First Appeal No.53/2011 was filed by the acquiring body for setting aside the judgment and award passed by the Reference Court in LAC No.212/2006. At the same, original claimants have also filed Cross-Objection bearing No.11/2015 for enhancement of compensation.

4. First Appeal No.53/2011 was dismissed and Cross-objection No.11/2015 was partly allowed.

5. After decision of the cross-objection and before withdrawal of the amount, respondent No.1(iv) died on 03/01/2022 however, legal representatives are

not brought on record. Now the amendment regarding the legal representatives of deceased/cross-objector is required for disbursement of the compensation amount. However, delay of 194 days is caused in filing the application.

6. Learned Counsel has no objection to condone the delay.

7. In view of the reasons mentioned in the application, delay of 194 days is condoned.

8. Civil application is disposed of accordingly.

CIVIL APPLICATION NO.27/2023

Heard.

2. By this application, respondent No.1(ii) who is the Power of Attorney holder for other claimants filed this application for bringing legal representatives of respondent No.1(iv) - Smt. Kusum w/o Shankarrao Bharne on record. During the pendency of cross-objection, respondent No.1(iv) died however, her legal representatives are not brought on record.

3. They are to be added as a party for the apportionment of the compensation amount.

4. Learned Counsel for the appellant has no objection for the same.

5. In view of the reasons mentioned in the application, application is allowed.

6. Necessary amendment be carried out within a period of two weeks.
7. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*