



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

**CIVIL APPLICATION NO. 2967 OF 2024
IN FAST/5032/2018**

**MALLAKAPPA APPARAO SHIROLE (DIED) THR. LRS
SHAKUNTALA MALKAPPA SHIROLE AND ORS
VERSUS
THE M.K.V.D.C., THR THE EX. ENGINEER, IRRI. PROJ.
STRENGTHENING AND ORS**

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Mr. V. V. Ingale, Advocate for applicants
Mr. A. M. Gaikwad, Advocate for respondent No.1
Mr. S. V. Hange, AGP for Respondent Nos. 2 and 3

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 15 MARCH 2024

PER COURT :-

1. Heard the learned Counsel appearing for the applicants and the learned Counsel for respondent No.1 – acquiring body and the learned AGP for respondent Nos. 2 and 3.
2. The present application is in the form of condonation of delay of 2665 days in setting aside abatement and for bringing the legal heirs of deceased sole respondent on record.

3. The present applicants are appears to be the legal representatives of Mallakappa Apparao Shirole, the original claimant, who died in the intervening period of the decision of the reference Court, prior to filing of the appeal.

4. The acquiring body have not denied that the applicants are the legal heirs of the deceased claimant. Actually, this application could have been filed by the acquiring body. However, the legal heirs of the deceased have filed the present application, which is for substitution of their names in place of their predecessor in title. Therefore, this civil application is allowed.

5. The applicants be brought on record as the legal heirs of the deceased respondent-original claimant i.e. Mallakappa Apparao Shirole, within a period of 14 days from today.

6. The appellant shall carry out the necessary amendment within a period of 14 days from today.

[Y. G. KHOBRAGADE, J.]

SMS