

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 3488 OF 2024
IN FA/2188/2016

M.I.D.C. through Regional Officer, Latur

VERSUS

Gangaram Yashwanta Wadgave Died Thr Lrs Bajrang And Ors

...

Mr. G. S. Khaire h/f Mr. Shrirang S. Dande - Advocate for Applicant

Mr. G. R. Syed – Advocate for respondent nos. 1 to 2

Mr. B. B. Bhise - AGP for Respondent Nos. 4 and 5

...

CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.

DATED : 26TH APRIL, 2024

PER COURT : -

1. This is the Application for condonation of 660 days delay caused in preferring the application for bringing on record the legal heirs of deceased / respondent no. 3 i.e. Nandkishor, with further prayer to permit him to bring on record the legal heirs of said respondent.

2. The Application is moved by the Acquiring Body. The copy of death certificate showing the name of respondent no. 3 as deceased is enclosed with the application. The date of death is 13.05.2021.

3. For the reasons stated in the application, we pass the following order.

ORDER

[i] Civil Application is allowed.

[ii] The delay of 660 days caused in preferring the application is condoned.

- [iii] The abatement of Appeal to that extent is set aside.
- [iv] The Applicant is permitted to bring on record the legal heirs of deceased / respondent no. 3.
- [v] Amendment to be carried out forthwith.
- [vi] On carrying out the amendment, issue notice to the legal heirs of deceased/respondent no. 3, returnable within four (04) weeks thereafter. Mr. Syed, learned advocate appearing for respondent nos. 1 and 2 waives service of notice on behalf of legal representatives of deceased/respondent no. 3.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde