



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.117 OF 2024
IN
FIRST APPEAL NO.27 OF 2024

Vivek Chimandrao Kate

..Applicant

IN THE MATTER BETWEEN :-

Suresh Sayajirao Kate & Ors.

..Appellants

Vs.

State of Maharashtra & Anr.

..Respondents

Mr. Ashwin Pimpale i/by M/s. SSB Legal and Advisory for the Applicant.

Mr. A. R. Patel, Addl. G. P. for Respondent No.1 (State)

Mr. Nitesh Rangari i/by Mr. Rohit Sakhadeo for Respondent No.2 (PCMC).

**CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 5th MARCH 2024.

P.C.:

1. By this application, the legal heirs of Appellant No.5 who has expired on 5th October 1998 have been sought to be impleaded.
2. It is submitted by the learned counsel for the Applicant that the present proceedings arise out of acquisition of the land of the Applicant under the provisions of the Land Acquisition Act, 1894. Before Reference Court there were six claimants and hence the estate of deceased was always represented till the time the reference proceedings were decided on 27th September 2016. It is therefore prayed that the legal heirs be permitted to be brought on record.

3. The learned counsel appearing for non-applicant No.2 opposes the application on the ground of delay. He submits that the legal heirs were not on record before the Reference Court.

4. Considering the fact that the estate of deceased was represented by other legal heirs who are members of the same family, the proceedings would not abate in view of the death of Appellant No.5. Hence for the aforesaid reasons, the delay in bringing on record the legal heirs of Appellant No.5 is condoned. The legal heirs are permitted to be brought on record within a period of two weeks from today.

5. The Interim Application is disposed of.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)