

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CIVIL APPLICATION NO. 388 OF 2022 IN**  
**FIRST APPEAL NO.459 OF 2016**

Executive Engineer, Minor Irrigation Division

..vs..

Ghanu Raibhan Gore and ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri Futane, AGP for the State.

Shri V.K. Paliwal, Advocate for the proposed LR's of respondent  
no.1/applicant.

**CORAM: PRAVIN S. PATIL, J.**

**DATED : 18/09/2025.**

Heard.

2. By this application, the applicant is seeking condonation of 7665 days delay in bringing legal representatives of deceased respondent no.1 on record.

3. Perusal of the record shows that Reference proceedings were filed on 11.05.2001. The respondent no.1 was expired on 15.06.2001. In that proceeding, the legal heirs of respondent no.1 were not brought on record. Accordingly, Reference proceedings was decided on 28.06.2013 against which the present appeal bearing First Appeal No.459 of 2016 is filed before this Court.

4. However, in the Lok Adalat held on 08.12.2018, the appellant herein has withdrawn the present appeal in view of the Government Resolution dated 03.11.2016 and 23.02.2017.

5. As such, during this period the legal heirs of respondent no.1 was not brought on record. The present application seems to be moved when the office has objected for withdrawal of amount from the legal heirs, deposited with

the registry of this Court by the appellant.

6. Hence, for the reasons stated in the application, the application is allowed. The abatement against respondent no.1 is quashed and set aside.

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7. Heard.

8. Considering the fact that the present appeal has been withdrawn in the Lok Adalat held on 08.12.2018 by the appellant, the legal heirs of respondent no.1 are permitted to be brought on record and to withdraw the amount, which is lying with the registry of this Court in the matter accordingly.

**(PRAVIN S. PATIL, J.)**

*Trupti*