



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

CIVIL APPLICATION (F) NO.3640 OF 2024
IN
FIRST APPEAL STAMP NO.12042 OF 2024

(Bilchand Dharma Chavan and others Vs. State of Maharashtra, thr. Collector,
Yavatmal and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N. A. Waghmare, Advocate for Appellants/Applicants.
Ms. M. R. Kavimandan, AGP for Respondent Nos.1 & 3/State.

CORAM: ROHIT W. JOSHI, J.
DATE: 18th FEBRUARY, 2025.

1. Heard.
2. The applicant nos.1 and 3 to 7 along with deceased Tukaram Chavan and Totibai Dharma Chavan had filed Land Acquisition Case No.311/2002 which is decided vide judgment and award dated 07.06.2005. Thereafter Tukaram Chavan, who was petitioner no.2 in the said land acquisition case, has expired on 09.11.2005 and Totibai Chavan the original petitioner no.3 expired on 06.11.2020. The present application is filed by original petitioner nos.1, 4 to 8 and legal representatives of original petitioner no.2 Tukaram Chavan. The applicants are also legal representatives of original petitioner no.3 Totibai Chavan. The present application is filed by applicant no.2a to 2d seeking permission to file appeal as legal representatives of original petitioner no.2 Tukaram Chavan. The applicant

nos.2a to 2d are widow and children of deceased Tukaram and as such, are has Class-I legal heirs. The applicants are also legal representatives of deceased petitioner no.3 Totibai Chavan. The learned counsel for the applicant has not pointed out any provision of law under which the legal representatives of original petitioner is required to seek leave to file appeal. However, since the applicant nos.2a to 2d are admittedly legal heirs and as such legal representatives of deceased Tukaram Chavan and all the applicants together are legal heirs and legal representatives of deceased petitioner no.3 Totibai Chavan, civil application is allowed.

3. The civil application is disposed of accordingly.

CIVIL APPLICATION (F) NO.3755 OF 2024:

1. Heard.
2. Issue notice to the respondents, returnable in eight weeks.
3. Ms. M. R. Kavimandan, the learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 3.
4. The appellants are permitted to serve the respondent no.2 by all permissible modes, in addition to regular mode of service.

(ROHIT W. JOSHI, J.)