



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

WRIT PETITION No.4667 OF 2024

(Suresh s/o. Mahadeorao Hande Vs. State of Maharashtra, through the Collector, Nagpur
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. M.R. Joharapurkar, Advocate for petitioner.
Mr. P.A. Gupta h/f. Mr. A.V. Khare, Advocate for respondent No.3.
Mr. B.H. Tekam, Advocate for respondent Nos.12 and 14.

CORAM : R.M. JOSHI, J.

DATE : 1st JULY, 2025.

1. This petition takes exception to the order passed by the Reference Court in Land Acquisition Reference No.31/1998, dated 26.6.2024, whereby the application filed by the respondent for bringing themselves on record as legal representatives of the original applicant came to be allowed.

2. Learned counsel for the petitioner who has already brought himself on record as the legal representative of the original applicant (now deceased), opposes bringing on record other legal representatives on the grounds that there was assignment of right in his favour, and that all others have not taken steps earlier to bring themselves on record.

3. He placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Ram Prakash Agarwal and another Vs. Gopi Krishan (dead through LRs) and others**, reported in **(2023) 11 SCC 296** to canvas that to the proceedings under Sections 18 and 30 of the Land Acquisition

Act, provisions of Order 1 Rule 10 has no application. Thus, it is his submission that since the application is for impleadment under Order 1 Rule 10, it ought to have been rejected by the Reference Court.

4. Learned counsel for the respondents supported the impugned order. According to him, there is no dispute about the fact that the respondents are the legal representatives of original applicant Mahadeo Vithobaji Hande, who died on 29.7.2011. According to him, once this fact is not dispute, there is no impediment to bring them on record as legal representatives of the deceased and the provision under which application made become irrelevant.

5. Perusal of the record indicates that the original applicant died during the pendency of the reference. The petitioner brought himself on record by moving application Exh.-15. Perusal of the said application indicates that he has sought his impleadment in the said proceeding, with averments made with regard to the deed of assignment dated 27.1.2015 in his favour. However, the fact remains that the petitioner was brought on record as legal representatives of the deceased original applicant. Similarly present respondents were not heard at that time. Once there is no dispute made about the fact that the present respondents are also legal representatives of the deceased, there cannot be any impediment in bringing them on record. Merely because application is filed erroneously under Order 1 Rule 10, this Court does not find it appropriate to relegate the parties back to the Reference Court calling upon them to make proper

application and to involve parties in further litigation. If the application is made to bring legal representatives of deceased on record, there is no question of invocation of Order 1 Rule 10 of the Civil Procedure Code.

6. In view of undisputed fact that the respondents are the legal representatives of the original deceased applicant, this Court finds no reason to cause any interference in the impugned order. Hence, the petition is dismissed.

(R.M. JOSHI, J.)