



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

CIVIL APPLICATION (CAF) NOS. 1126, 1127, 1128 OF 2025

IN

CIVIL APPLICATION (CAF) NO. 178 OF 2023

IN

FIRST APPEAL ST. NO. 13242 OF 2021

EXE.ENGINEER, LAGHU PAT BANDHARE VIBHAG, YAVATMAL

VERSUS

SMT. SAFIYA BAGAM W/o J.A. KAYYUM MIYA AND OTHERS

WITH

CIVIL APPLICATION (CAO) NOS. 90, 89, 91 and 92 OF 2025

IN

CROSS APPEAL (XOB) NO. 13 OF 2023

IN

FIRST APPEAL ST. NO. 13242 OF 2021

SMT. SAFIYA BAGAM W/o J.A. KAYYUM MIYA

VERSUS

STATE OF MAH., THRU. DIST. COLLECTOR, YAVATMAL AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. C. J. Dhumane, Advocate for the applicant/appellant
Ms. A. N. Kashikar, Advocate for respondent no.1/cross-objector
Mrs. H. S. Dhande, A.G.P. for respondent -State and SLAO.

CORAM : M. W. CHANDWANI, J.

DATE : APRIL 04, 2025.

1. It is a common ground in these civil applications that respondent no.1/cross-objector has died and the names of her legal heirs, mentioned in these civil applications are required to be brought on record in the memo of appeal as well as in the cross-objection, since the right to sue survive in their favour.

2. Therefore, for the reasons mentioned in the applications, the delay in filing applications for bringing

legal heirs of deceased respondent no.1/cross-objector – Safiya Begum W/o J.A.Kayyum Miyan on record is hereby condoned and permission is granted to bring their names on record. Consequentially, the abatement order in respect of deceased respondent no.1/cross-objector is set aside.

3. Necessary amendment be carried out by the appellant in the appeal as well as by proposed legal heirs of deceased respondent no.1/cross-objector in the cross-objection within one week.

4. All the applications (except CAF No. 178/2023), are allowed and disposed of. No costs.

(M.W.Chandwani, J.)

Diwale