

MHOS120002192023



IN THE COURT OF CIVIL JUDGE SR. DIVISION BHOOM
LAR No. 100/2023

Mahadev Raghu Mali

... **Claimant**

Vs.

The State of Maharashtra and others

... **Respondents**

Ld advocate Shri. A. P. Bhore for applicants.

Exparte hearing against respondent Nos.1 to 3.

COMMON ORDER BELOW APPLICATION EXH. NOS. 7, 9 & 11

Perused applications and record and proceedings.

2. These applications are filed by LR's of deceased claimant Mahadev Raghu Mali for setting aside an order of abatement of reference petition, condonation of delay in bringing them on record as LR's of deceased claimant Mahadev and for permission to bring them on record as LR's of deceased claimant Mahadev and to prosecute the claim.

3. According to applicants, claimant Mahadev Raghu Mali died on 21/01/2021. Being sons & daughters, they are legal heirs of deceased claimant Mahadev. There is delay of 2 years 8 ½ months to

bring them on record as LR's of deceased claimant Mahadev. They have not made such delay deliberately therefore, it needs to be condoned. Hence, the applications.

4. The main reference proceeding is proceeded exaparte against the respondent Nos.1 to 3. Therefore, issuing notice of these applications to them is meaningless. The original claimant Mahadev has filed reference application U/Sec. 18 of the Land acquisition Act for enhancement in compensation. Claimant Mahadev Raghu Mali died on 20-01-2021. There is delay to bring LR's of deceased claimant on record. But, at the relevant time, there was Corona Pandemic and no transportation was available to public. Applications are supported with an affidavit of Nishikant Mahadev Mali. Considering the nature of claim (reference), the applicants have right to prosecute the claim cum reference. Considering the reason an order of abatement needs to be set-aside and delay in bringing LR's of deceased claimant Mahadev on record needs to be condoned. Further, applicants needs to be permitted to bring themselves on record as LR's of deceased claimant Mahadev. Hence, the following order.

ORDER

- 1) Applications are allowed.
- 2) An order of abatement of claim cum land reference (deemed) of deceased claimant Mahadev Raghu Mali is set-aside.

- 3) Delay caused by applicants in filing application for permission to bring them on record as LR's of deceased claimant Mahadev is condoned.
- 4) Applicants are permitted to bring them on record as LR's of deceased claimant Mahadev and prosecute the claim cum land reference against respondents.
- 5) They are permitted to carry out the necessary amendment in the claim cum land reference Exh. 1 to that effect.
- 6) Applicants to file amended claim cum land reference Exh.1 and its copies on record.

Date : 08.01.2025.

(Atul A. Chendke)
Civil Judge, Senior Division,
Bhoom.

CERTIFICATE

I affirm that the contents of this P D F file order/ judgment are same word to word as per the original order/ judgment.

Name of Stenographer	:	R.H.Botre (Grade-II)
Name of Court	:	Civil Court Senior Division Bhoom Tal Bhoom Dist Osmanabad.
Order/ Judgment date	:	08.01.2025
Order/ Judgment signed by the Presiding Officer on	:	08.01.2025
Order/ Judgment digitally signed by the Presiding Officer on	:	08.01.2025
Order/ Judgment uploaded on	:	08.01.2025