

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3868 of 2015
IN
CIVIL APPLICATION NO.7286 OF 2013
IN
SECOND APPEAL STAMP NO.13167 OF 2013

DASHRATH NAMDEO EKHANDI
AND OTHERS

APPLICANTS

VERSUS

ASHABAI BHAGWAN CHAVAN
AND OTHERS

RESPONDENTS

Mr.M.G.Biradar h/f Mr.P.R.Katneshwarkar, Advocate for the
applicants.

Mr.R.D.Bhalerao, Advocate for respondent Nos.1, 2B to 2G, 4, 5, 7 to 11.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/03/2015

PER COURT :

1. This Court, while issuing notice to the respondents in Civil Application No.7286/2013, was not informed that respondent No.3 Sitabai Tulshiram Mohite had passed away. The word “deceased” was not mentioned in the cause title. This Court, therefore, by order dated 16/01/2015, permitted the applicants to take steps within 3 (three) weeks to serve respondent No.3 Sitabai Mohite. failing which, the application would stand dismissed.

2. The applicants submit that the order dated 16/01/2015 creates

an impression that the entire application is dismissed. He, therefore, prays that the said civil application would stand abated only as against the deceased respondent No.3 / Sitabai Tulshiram Mohite.

3. The order passed by this Court (Coram : N.W.Sambre, J.) dated 16/01/2015 in Civil Application No.7286/2013, reads as under :-

“The period to serve respondent No.3 is extended by three weeks. Humdast granted. The service be completed within three weeks; failing which the application shall stand dismissed without reference to Court.”

4. It is evident that since the applicants did not inform this Court that respondent No.3 was dead, this Court has observed that the application shall stand dismissed. Needless to state, the said order is passed only to the extent of respondent No.3.

5. In the light of the above, this civil application is partly allowed. The order dated 16/01/2015 shall render the Civil Application No.7286/2013 abated to the extent of respondent No.3 / Sitabai Tulshiram Mohite.

(RAVINDRA V. GHUGE, J.)