

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 417 OF 1992

Shri. Narayan Valku Gavali

.....Appellant
(Orig. Plaintiff)

: V/S :

1). Smt. Khakubai Arjun Patil & anr.

.....Respondents
(Orig. Defendants)

* * * * *

Mr. Rajesh Behere, Advocate for the appellant.

Mr. S.G. Karandikar, Advocate for respondent no.2.

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Coram :- Smt. R.P. SondurBaldota, J.

15th January, 2015.

P.C. :-

1). By the order dated 26th February, 1999 passed by the Additional Registrar, this Appeal was dismissed for want of prosecution against respondent no.1, who as per the report of the bailiff dated 30th June, 1998 was dead, the death having been taken place in the year 1990. Since the suit filed by the appellant was for specific performance of the agreement of sale with respondent no.1 alone, with the dismissal of the appeal against respondent no.1, it cannot survive against respondent no.2. The Appeal is therefore dismissed as not maintainable.

(SMT. R.P. SONDURBALDOTA, J)