

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1880 OF 2015
IN
WRIT PETITION NO. 3346 OF 1999

Dr. Anand Balabhai Devare (deceased) through his heirs Smt. Pratima wd/o. Anand Devare	..	Petitioners
vs.		
Manohar V. Devare	..	Respondent
And		
Smt. Gulab wd/o. Manohar V. Devare & Ors.	..	Proposed Resps.

Smt. Harjeet Kaur Singh with A. S. Anand for Proposed
Respondents / Applicants in CA.
Mr. Nilesh Bhole i/b. Mr. R. A. Thorat for Respondent No. 1B in CA.

CORAM : M. S. SONAK, J.
DATE : 16 JULY 2015

P.C. :-

1] This civil application has been made by and on behalf of the legal representatives of the sole respondent who has expired on 14 September 2013 seeking directions to the petitioners to bring them on record.

2] At the hearing, it transpires that the petitioner no.1A and 1B have expired. Mr. Nilesh Bhole states that he has instructions to appear on behalf of legal representatives of the deceased petitioner no.1B. However, as yet, no application has been made to bring on record any legal representatives of deceased petitioner no. 1B.

3] None appears for petitioner no.1C.

4] In the aforesaid circumstances, it is apparent that the petition has abated. Accordingly, this petition is dismissed as abated. This shall however, not preclude the petitioner no. 1C or for that matter the legal representatives of petitioner nos. 1A and 1B to apply for setting aside of abatement. Such application, as and when made, will be considered in accordance with law.

5] Writ petition no. 3346 of 1999, in the aforesaid circumstances, is dismissed as abated.

6] In view of the dismissal of the writ petition, civil application no. 1880 of 2015 does not survive and the same is also disposed of.

(M. S. SONAK, J.)

Chandka