

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

38 CIVIL APPLICATION NO. 10391 OF 2009  
IN SA/192/2000 WITH CA/10686/2016 IN CA/10391/2009

HANUMANT SITARAM UMBARE AND ANR  
VERSUS  
BHUJANG BHAIRU UMBARE AND ANR

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Advocate for Applicants : Irpatgire A.N.  
Advocate for Respondent 2 : M.A. Kulkarni

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**CORAM : T.V. NALAWADE, J.**  
DATED : 2nd August, 2016.

**ORDER :**

1. Seen the previous orders. Seen the judgment of the Trial Court in Regular Civil Suit No. 38/1987. Defendant No. 1 - Bhujang was uncle of plaintiffs and defendant No. 2 was the purchaser. Relief of declaration of ownership was claimed in respect of agricultural lands. Prayer was also made to declare that sale deed made in favour of defendant No. 2 is null and void. In absence of defendant No. 1, the suit could not have been decided. He died long back, but no steps were taken to bring his legal heirs. So, entire proceeding, that is civil application filed for restoration of appeal, is disposed of as abated. Liberty is given to take appropriate steps. Other civil application, if any, is disposed of.

**[ T.V. NALAWADE, J. ]**

ssc/