

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

SECOND APPEAL NO. 630 OF 1993

Ramgonda Bala Patil (since deceased)
through his legal heirs & representatives
Babasaheb Ramgonda Patil and Ors.

... Appellants.
(Orig. Plaintiffs)

V/s.

Smt. Kamal Sadashiv Deshpande & Anr.

... Respondents.

Mr. Umesh Mankapure for the Appellants.
None for the Respondents.

CORAM : N.M. Jamdar, J.

18 April, 2016.

P.C. :-

The Suit was filed by the two Plaintiffs who are brothers, for declaration and injunction against the Defendants in the Court of Civil Judge, Junior Division, Sangli. A Suit was decreed by the learned Civil Judge by Judgment and Decree dated 25 April 1985. Thereafter, an Appeal filed in the District Court, Sangli, by the Respondent – Defendant has been allowed and a decree passed by the Civil Court has been set aside.

2. The Second Appeal is filed through the heirs of the Plaintiff No.1, and through Plaintiff No.2. The Plaintiff – Appellant No.2 expired during the pendency of the Appeal and his heirs have not been brought on record and the Appeal of Appellant No.2 has abated. Four heirs of the Plaintiff – Appellant No.1 have expired and their heirs are also not brought on record and the Appeal against them has also abated. The Suit was instituted by both the Plaintiffs jointly as owners and the order passed by the District Judge has become final as against one of the Plaintiffs and also some of the heirs of the other. In the circumstances, the entire Appeal abates and is dismissed as such.

(N.M. Jamdar, J.)