

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

First Appeal No.196 of 2003
(Smt. Rekha wd/o Bandu Dhanjode and others v. Shri A.B. Dhanjode and
another)

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court's or Judge's orders
---	---------------------------

Coram : R.K. Deshpande, J.
Date : 6th January, 2016

The office note dated 28-8-2015 by the Registrar
(Judicial) of this Court is as under :

“ As per office note, the respondent no.1 is reported to
be dead. As such, the counsel for appellant is required to
take steps.

Sufficient time has been granted on 24.03.2015,
21.04.2015, and on 30.06.2015 for taking steps, but no
steps are taken as yet. Period of 90 days from the date of
death is already expired. Hence, the appeal against
respondent no.1 stands abated in terms of Chapter VII
Rule 6(2) of the Bombay High Court Appellate Side Rules,
1960.

Office to proceed further.”

No steps are taken for setting aside the abatement against the respondent No.1 or to bring his legal heirs on record. The respondent No.1 is a necessary party and the appeal cannot be allowed in the absence of his legal heirs being brought on record.

The appeal, therefore, stands abated in its entirety. It is dismissed as such.

Judge.

Lanjewar