

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

First Appeal No.206 of 2003

(Maharashtra Industrial Development Corporation, through its Regional Officer, Udyog Bhavan, Civil Lines, Nagpur v. Kondu Pendor, since dead, through LR's. Vishwesharao Kondu Pendor and others)

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

Shri D.S. Agnihotri, Advocate for Appellant.
Shri D.M. Kale, AGP for Respondent No.2.

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

The original claimant/respondent No.1-Kondu Pendor has died and his legal heirs were brought on record as the respondent Nos.1a to 1d. The appeal has been dismissed as abated against the respondent No.1b. No steps are taken to indicate that the respondent no.1b has no legal heir or to bring her legal heir on record. It is further reported that one of the remaining respondents has also expired.

In view of this factual position, there cannot be two different orders in respect of the parties to the appeal. The appeal abates in its entirety. It is, therefore, dismissed as such.

Needless to say that it is always open for the appellant to file an application for setting aside the abatement and bringing on record the legal heirs, as is permissible in law.

Judge.

Lanjewar