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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO.243 OF 2001

The State of Maharashtra ..APPELLANT

VERSUS

1. Devram Gangaram Patil,
Age: 47, Occ: Agri.,
R/o. Dabhashi, Tq. Shindkheda,
District Dhule.

(Abated vide Court's order
DTD. 16/09/15)

2. Devakabai w/o Ramdas Koli,
Died Through L.Rs.

- 2A. Lilabai Devidas Koli,
Age: 65 years, R/o. Dabhashi,
Tq. Shindkheda, Dist. Dhule.

- 2B. Ranubai Santosh Koli,
Age: 48 years, R/o. As above. ..RESPONDENTS

Mrs Vaishali Patil-Jadhav, A.G.P. Advocate for
appellant;

CORAM : N.W. SAMBRE, J.

DATE : 3rd AUGUST, 2017

ORAL ORDER :

Registrar (Judicial) passed order on 16th
September, 2016 order abatement of present appeal

(2)

against respondent No.1-original plaintiff, in whose favour, decree was passed by the appellate Court.

2. As no steps are taken for bringing legal heirs of respondent No.1 on record by the appellant, in my opinion, the appeal abates as a whole. As such, appeal is dismissed as abated.

3. This would not preclude the appellant-State from filing application for setting aside abatement, bringing legal heirs and condonation of delay.

(N.W. SAMBRE, J.)

Tupe