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

**CIVIL APPLICATION NO. 10430 OF 2013
IN/WITH
SECOND APPEAL (ST.) NO. 10178 OF 2013
WITH
CIVIL APPLICATION NO. 10431 OF 2013**

Kisan s/o Gopinath Tawle,
(died, thr. his L.Rs.),
Parubai w/o Kisan Tawle,
Age: 71 years, Occu: Agri.,
R/o Surdi, Tal. Georai,
Dist. Beed & ors. ..APPLICANTS

VERSUS

Sopan s/o Yeshwanta Magre,
Age: 41 years, Occu: Agri.,
r/o. Jamb Samarth, at present
Surdi, Tal. Georai,
Dist. Beed & ors. ..RESPONDENTS

Mr S. S. Thombre, Advocate for applicants

CORAM : N.W. SAMBRE, J.

DATE : 1st AUGUST, 2017

ORAL ORDER :

Respondent No.1 is reported to be dead on 7th August, 2015. No steps are taken till date to bring his legal heirs on record. So far as respondent Nos. 2 and 3 are concerned, they are

(2)

also reported to be dead, as such, this appeal stood abated against them on 24th June, 2016. All these three parties are plaintiffs to Regular Civil Suit No. 131 of 2000, which was for possession.

2. Thereafter, the matter was adjourned time and again for taking steps in view of death of respondent Nos. 1 to 3 i.e. original plaintiffs, however, till date, no steps are taken in view of the fact that appeal stood abated against respondent Nos. 2 and 3 by order dated 24th June, 2016.

3. Considering the fact that the appeal is already abated against original plaintiffs, in my opinion, appeal abates as a whole, having regard to the fact that all plaintiffs are reported to be dead. As such, appeal stands dismissed.

4. This order will not preclude the appellants from taking appropriate steps for filing application for setting aside abatement,

(3)

restoration of appeal alongwith application for
condonation of delay in bringing legal heirs of
respondent Nos. 1 to 3 on record.

5. Consequently, pending civil applications
also stand disposed of.

(N.W. SAMBRE, J.)

Tupe