

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

**CIVIL APPLICATION NO. 385 OF 2017
IN
FIRST APPEAL (ST.) NO. 19030 OF 2012**

Mrs. Kiran Dhawan	Applicant
IN THE MATTER OF	
Mr. Anil Lekhraj Khosla & Ors.	Appellants
V/s.	
Mrs. Sangeeta Ramchand	Respondent

Ms. Sharon Patole, Advocate for the Applicants.
Ms. Sucheta Joshi Dongre i/b Mr. Pankaj Thatte for the respondent.

CORAM : M.S. SONAK, J.
DATE : 17th MARCH, 2017.

P.C. :

- 1 Heard learned counsel for the parties.
- 2 Learned counsel for the applicant fairly stated that the prayer clause (a) has been rendered infructuous, since, the original appellant No.5 has expired on 26.10.2015.
- 3 Vide prayer clause (b), the applicant, who is wife of appellant No.5 states that she does not wish to come on record in place of deceased appellant No.5. Since, no party can be forced to proceed or prosecute an Appeal, there can be no difficulty in allowing Civil Application No.385 of 2017 in terms of prayer clause (b).
- 4 Accordingly, Civil Application is allowed in terms of prayer clause (b).

(M.S. SONAK, J.)