

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

**CIVIL APPLICATION NO.4649 OF 2008
IN
FIRST APPEAL (ST) NO.16963 OF 2008
WITH
CIVIL APPLICATION NO.4650 OF 2008
IN
FIRST APPEAL (ST) NO.16963 OF 2008**

The State of Maharashtra ...Applicant/Appellant
Versus

Nama Naga Katekar (deceased)

Jijabai N. Katekar (deceased)

L. Hrs. Dhondu Nama Katekar & Ors. ...Respondents

Mr.A.A. Palkar, AGP for the Applicant/Appellant.

Mr.Swapnil Mhatre h/f Mr.S.S. Kulkarni for Respondent Nos.1, 2
and 4.

CORAM : M. S. SONAK, J.

DATE : 30 MARCH 2017

P.C.

1. That the record indicates that the Civil Application and the Appeal itself, stands abated as against Respondent No.3 since, despite her demise, her legal representative are not been brought on record.

2. Mr.Swapnil Mhatre who appears for respondent Nos.1,2 and 4 however agrees that the legal representatives of respondent

No.3 are already on record.

3. Accordingly, the order dated 11-09-2012 of declaring the Civil Application and Appeal as abated is recalled. Abatement is set aside. Formal amendment to be carried out by the appellant within a period of one week from today. This order is in a supersession of the earlier order dated 23 January 2017, since, at this stage it was not realized that the legal representatives of the respondent No.3 are already on record.

(M. S. SONAK, J.)