

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2674 OF 2000

Smt. Pushpa Madhukar Nerkar	...	... Petitioner
Vs.		
Shri. Dnyandeo a/s. Dayaneshwar Vanji		
Nikam & Ors.		... Respondents

....

Mr. M.S. Lagu for the Petitioner.
 Mr. Pankaj Pandey i/b Mr. Anilkumar Patil for the Respondent No.1.

...
CORAM : A.A. SAYED, J.
DATED : 10 FEBRUARY 2017

P.C.:

On 13 January 2017 this Court passed the following order:

“1. The matter is listed under the caption “for direction”. The Court isinformed that the Writ Petition No. 2674/2000 has been reconstructed.

2. Learned Counsel says that the Respondent No. 1 Shri. Dynandeo @ Dayaneshwar Vanji Nikam has expired and his legal heirs are required to be brought on record and that he shall furnish the names of the legal heirs to Counsel for the Petitioner at the earliest.

3. The Petition is of the year 2000. Steps be taken to bring the legal heirs of the Respondent No. 1 on record expeditiously, failing which appropriate orders shall be passed on the next date.

4 Stand over to 27 January 2017.”

2. No steps have been taken to bring the heirs of the Respondent No.1 on record, as the Counsel for the Respondent No.1 (since deceased) has not furnished the names of the legal heirs of the Respondent No.1. The learned Counsel states that despite efforts he has received no instructions in the matter. In view of the fact that the Respondent No.1 has expired and his legal heirs are not brought on record, the Petition would abate so far as the Respondent No.1 is concerned.

3. In the absence of his legal heirs being brought on record, the liability of payment so far as the Petitioner/Head-Mistress is concerned ceases upon the death of the Respondent No.1-teacher and the question of payment of back wages by the Petitioner would not arise.

4. In these circumstances, nothing survives for consideration in the Petition. The Petition shall stand disposed of accordingly.

(A.A. SAYED, J.)