

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2607 OF 2017
IN
FIRST APPEAL NO.703 OF 1996

Ram Pyare Maurya ... Applicant

IN THE MATTER OF:

Prabhavati Lalji Maurya & anr. ... Appellant

Vs.

Smt.Isaraji w/o. Ishwardin Maurya ... Respondent

Mr.Tejas Vora with Dilip Rai i/b Aruna Singh for the Applicant
Mr.S.B. Amin for Appellant in FA/703/1996
Mr.Ramprakash Pande for legal heirs of Respondent

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 31, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is for dismissal of the appeal as abated.
3. Heard the learned Counsel for the parties. Perused the order passed by this Court on 2.8.2017. The sole respondent Smt.Isaraji Ishwardin Maurya had passed away on 4.6.2004 and thereafter, no steps were taken. It appears that this fact was informed to the appellants/original defendants in the year 2005 by taking out an application No.4734 of 2005. Service on them is shown. Thus, in fact, the

appeal of 1996 has abated. There is no application for setting aside the abatement. However, another application are pending as on today in the abated appeal. It is moved by the appellants/original defendants that the legal representatives of the respondent/original plaintiff are to be taken on record.

4. Learned Counsel for the applicant submits that as the appeal has abated, he seeks to withdraw this application. Accordingly, the Civil Application is allowed to be withdrawn and dismissed as such.

5. In view of the above, Civil Application St.No.20674 of 2017 is also disposed of.

(MRIDULA BHATKAR, J.)