

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

CIVIL APPLICATION NO. 523 OF 2018 IN SA/549/2016
WITH SA 549/2016

MAHMOOD KHAN PATHAN DIED LRS SALIMABAI AND ORS
VERSUS
MOHAMMAD AMIRKHAN MOHAMAD ISMAILKHAN AND ORS

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Advocate for Applicants : Dube Anjali (Bajpai)
Advocate for Respondents : Mr G. R. Syed

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CORAM : V.K. JADHAV, J.
Dated: January 12, 2018

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PER COURT :-

1. Heard.
2. Learned counsel for the applicants/original appellants submits that, respondent no.3/1 died during the pendency of the appeal before the lower appellate court and her legal heirs were already taken on record in the pending appeal before the lower appellate court itself. However, this court has passed common order in bunch of the second appeals directing the appellants to take steps against unserved respondents, failing therein the appeal would be dismissed. In consequence of the said order, the appeal came to be dismissed for want of steps against respondent no.3/1.
3. In view of the above, and for the reasons stated in the application, application is allowed in terms of prayer clause B and C. CA accordingly disposed of.
4. Fix the appeal for hearing on admission on 5.2.2018.

(V.K. JADHAV, J.)

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