

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1 SECOND APPEAL NO.224 OF 1996
WITH CA/2591/1996 IN SA/224/1996 WITH
CA/13444/2009 IN SA/224/1996 WITH CA/1612/2012 IN
SA/224/1996

VASUDEO D.PATIL
VERSUS
BHAGABAI D.PATIL (L.RS.) DEELIP @ SUKHDEO PATIL.

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Advocate for Appellant : Mr. Patil N.P.
Jamalpurkar
Mr. CC Deshpande, Adv. h/for Shri.CR Deshpande,
Adv. For Resp.No.2;
Mr. Mangesh Jahdav, Adv. h/for Shri P.M.Shaha.
Sr.Counsel for Resp.No.3.

CORAM : P.R.BORA, J.

DATE : 16th July, 2018.

PER COURT :

1) When the present matter is taken up for hearing, it is revealed that though sole appellant died on 11th August, 2008, till date, his legal heirs are not brought on record. It is further revealed that several civil applications are filed by the present appellant, of which, one for setting aside the abatement which was filed in the year 2012. When it was revealed that

during pendency of the said civil application, one of the respondents has died, then another civil application came to be filed for bringing the legal heirs of that respondent on record. The record further reveals that since no steps were taken for furnishing the correct address of Respondent No.2-C, the said application stood dismissed in view of the order passed by this Court on 7th July, 2017. It is thus revealed that gross negligence is shown by the appellant in conducting the present matter. The learned counsel for appellant has expressed his inability stating that none of the legal heirs of deceased appellant are in his contact and as such, no further steps could be taken in the matter.

2) In view of the above, the appeal stands abated and hence disposed of. Pending civil applications, if any, stand disposed of.

(P.R.BORA)
JUDGE

bdv/