

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9916 OF 2005
WITH
CIVIL APPLICATION NO. 2382 OF 1993
AND
CIVIL APPLICATION NO. 7151 OF 2004
IN
SECOND APPEAL NO. 254 OF 1993

BHIMA RAMA GHATSHILE (DIED) THROUGH LRS
MOHAN BHIMRAO GHATSHILE AND OTHERS
VERSUS
NAGNATH DASHRATH KUMBHAR (DIED) THROUGH LRS
RAGHUNATH NAGNATH KUMBHAR

Advocate for Respondent : Shri S.S. Choudhary.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 04th January, 2018

PER COURT :

1. I have heard Shri Chaudhari, learned advocate for the original appellant. None for the original respondents in the Second Appeal.

2. In Civil Application No. 9916/2005, the L.Rs. of original defendant Bhima have prayed for abatement of the Second Appeal as the L.Rs. have not been brought on record. I find from the memo of the Second Appeal that subsequently, the L.Rs. of Bhima have been brought on record. Therefore, this Civil Application does not survive and stands disposed of.

3. In Civil Application No. 2382/1993, the appellant has prayed for interim stay in terms of prayer clause 'B' during the pendency of Second Appeal. By order dated 13/07/1993, interim relief in terms of prayer clause 'B' has been granted. This Civil Application, is therefore, allowed in terms of the order dated 13/07/1993.

4. By Civil Application No. 7151/2004, the original defendant has prayed for an early hearing of the Second Appeal. Since, Second Appeal No. 254/1993, has already listed for final hearing, this Civil Application is rendered infructuous and stands disposed of .

5. Since, none appear for the respondents, list Second Appeal No. 254/1993, for final hearing on 01/02/2018.

(RAVINDRA V. GHUGE, J.)

S.P.C.