

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 SECOND APPEAL NO.332 OF 1999

MARATHWADA WAKF BOARD AURANGABAD
VERSUS
SHESHRAO GANGARAM SARVADE AND OTHERS

...

Advocate absent.

CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 16/10/2019

1. The learned Advocate for respondent no.1 has placed on record pursis dated 12.4.2019 stating therein that respondent no.1 has died. Photocopy of his death certificate is also placed on record. It is evident from the record that the present appeal is filed against in all five respondents. However, after the title clause immediately, it is specifically mentioned that the respondent nos.2 to 5 are formal parties and impleaded as respondents, since they were not willing to join appellant to prefer this appeal. It is also mentioned that suit is not decreed against them. Moreover, this appeal came to be abated against respondent nos.2 and 3 and dismissed against respondent no.4 as per the endorsement on the appeal memo.

2. In these circumstances, practically appeal is pending against

respondent no.1 only. He is the only contesting respondent. However, he has been died on 30.6.2013. His legal heirs are not brought on record. Consequently, the appeal has been abated against him. If this is the position, then appeal practically does not survive and needs to be disposed of as abated. In turn, I pass the following order.

ORDER

The Second Appeal No.332/1999 stands disposed of as abated.

REGISTRAR (JUDL)