

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 FIRST APPEAL NO.2946 OF 2016

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT MAJBUTIKARAN
DIVISION, OMERGA AND OTH
VERSUS
AMIN AKBAR SHAIKH AND OTHERS

CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 19 / 11 /2019

1. Having regard to the bailiff report in respect of respondent nos.3 and 4, vide order dated 15/10/2019, the office was directed to notify the appeal on the board of Registrar as well as intimate to the Advocate concerned in order to take steps against respondent nos.3 and 4. Accordingly, the office has notified the matter on 04/11/2019. In addition to this, office has also taken care to take endorsement of the learned Advocate Mr. Patil holding for Advocate on record Mr. G.B. Rajale. However, the learned Advocate for the appellant or the appellant has failed to take steps to bring on record L.Rs. of respondent nos.3 and 4. As per the death certificates on record, respondent nos.3 and 4 have died on 22/01/2012 and 22/02/2013 respectively. Thus, the period to bring on record L.Rs. Has expired. The appellant or his Advocate have failed to take steps despite pointing out this fact specifically to them. In

these circumstances, the appeal stands abated against respondent nos.3 and 4.

2. In addition to this, it is also reported by the bailiff that respondent nos.1 and 2 are also dead. Their death certificates are placed on record. The respondent nos.1 and 2 have been expired on 27/02/2012 and 15/04/2016 respectively. However, the learned Advocate for the appellant as well as the appellant have failed to take steps despite specifically intimation to them. In turn, the appeal needs to be abated against them also.

3. Consequently, as there are only four respondents and all of them are dead as per the bailiff report, the entire appeal needs to be disposed of as abated. In turn, following order is passed.

ORDER

The appeal stands disposed of as abated.

REGISTRAR (JUDL)