

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

954 FIRST APPEAL NO.1090 OF 2007

MRS SUNDRABAI BAPURAO DALVE
VERSUS
PRABHAKAR JANARDHAN PATEKAR & ORS

Advocate for Appellant : Shri S.K.Adkine (absent)
Advocate for Respondent No.1 : Shri P.A.Kulkarni (absent)

CORAM : P.R.BORA, J.

DATE: 31st January, 2019

PER COURT:-

1 When the present matter is called out, no one has appeared for the appellant. The record shows that vide order passed by this Court on 19.09.2014, the legal heir of deceased appellant was permitted to be taken on record and the necessary amendment was directed to be carried out within six weeks from the date of the said order. It was also observed in the said order that if amendment is not carried out within six weeks from the said date, civil application will automatically stands dismissed without referring back to the Court.

2 The applicant admittedly did not carry out the amendment within the given period. Thereafter, again

request was made and that was considered by this Court and vide order passed on 22.10.2018, four weeks time was granted for taking on record the name of legal heir of deceased appellant. Even during the said extended period also the order has not been complied with.

3 The matter was again brought before the Court on 05.12.2018, and time was granted for bringing legal heir on record till today. However, no steps are taken and the legal heir has not been brought on record, though the order in that regard has been passed in the year 2014. In the circumstances, the following order is passed:-

ORDER

Appeal stands dismissed as abated.

(P.R.BORA)
JUDGE

SPT