

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

**912 CIVIL APPLICATION NO.4752 OF 2016
IN FAST/30952/2014**

**SUDHAKAR SITARAM PATIL AND ANOTHER
VERSUS
SAKHARAM PATILBA MORE AND OTHERS**

...
Advocate for Applicants : Mr. Patil Vinod Prakash
Advocate for Respondent No.3 : Ms. S.S. Kazi
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30th AUGUST, 2019

ORDER :

. Respondent No.1 was reported to be dead and therefore, by order passed by this Court on 02.11.2018, the appellants were directed to take steps. Till today, the appellants have not taken steps. The present application has been filed for getting the delay of 3431 days condoned in filing first appeal. The appellants intend to challenge the judgment and award passed by the learned Chairman Motor Accident Claims Tribunal, Aurangabad by which original respondent No.1/present respondent No.1 and respondent No.2 were directed to pay the amount of compensation jointly and severally . Under such circumstance, when steps have not been taken as against the deceased-respondent No.1 and secondly, the appeal

has abated and since the award that was passed was joint and several, it would be abated as a whole and therefore, the entire civil application is disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM