

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

SECOND APPEAL STAMP NO.33992 OF 2016

**PADMAWATI SAHEBRAO MOHITE AND OTHERS
VERSUS
GANPAT KESHAV SHEJUL**

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Mr. R.R. Karpe, Advocate for the applicants

Mr. S.S. Bora, Advocate for the respondent

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CORAM : SMT. VIBHA KANKANWADI,J.

DATE : 08th JANUARY, 2019

PER COURT :

1 Civil Application No.6111 of 2018 was filed for bringing the legal representatives of applicant No.16 on record. It has been rejected. The proposed appellants are the original plaintiffs who had filed Regular Civil Suit No.275/2012 for permanent injunction and in alternative for possession and mesne profit. The suit came to be dismissed. The appeal preferred by the plaintiffs bearing R.C.A. No.31/2014 came to be dismissed by District Judge-1, Shrirampur, Dist. Ahmednagar on 04.07.2016 and the said both decrees are intended to be challenged in the second appeal. Taking into consideration the nature of the suit, common cause canvassed

by all the plaintiffs and even as regards alternative prayer of possession, it can be said, that was the joint and several decree when the appellants intended to challenge those decrees and the fact now remains is that the original plaintiff No.16 has expired during the pendency of the suit and the legal representatives were not at all brought on record in appeal also. Further taking into consideration the possibility of contradictory decrees the second appeal cannot be admitted or rather it abates as a whole. Hence, disposed of accordingly at this stage itself.

(Smt. Vibha Kankanwadi, J.)

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