

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

Second Appeal No. 0711 of 2017

With

Civil Application No. 14217 of 2017

(In Second Appeal No. 0711 of 2017)

District : Ahmednagar

Arjun Parvati Kalamkar,
Age : 60 years,
Occupation : Agriculture,
R/o. Ghargaon,
Taluka Shrigonda,
Dist. Ahmednagar.

.. Appellant/
Applicant
(Original
defendant)

versus

1. Subhadarabai Arjun Kalamkar,
Age : 55 years,
Occupation : Household,
R/o. Ghargaon,
Taluka Shrigonda,
Dist. Ahmednagar.

2. Dada Arjun Kalamkar
(Since Dead) the appeal was
abated.

3. Akka Arjun Kalamkar
@ Sunita Bapurao Palkar,
Age : 39 years,
Occupation : Household,
R/o. Kashti (Santwadi),
Laharepat,
Taluka Shrigonda,
Dist. Ahmednagar.

4. Manda @ Nanibai Arjun Kalamkar
(Since dead Appeal was abated)

.. Respondents/
Non-applicants
(Original
plaintiffs)

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*Mr. A.B. Jagtap, Advocate, holding for
Mr. V.D. Sapkal, Advocate, for the appellant.*

Mr. D.S. Manorkar, Advocate, for respondent no.01.

Appeal abated as against respondents no.02 and 04.

Respondent no.03 served.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11TH FEBRUARY 2019

ORAL ORDER :

01. Learned Advocate Mr. D.S. Manorkar appearing for respondent no.01 makes a statement, that on 19th December 2018, it was informed that sole appellant expired on 27-09-2018 and the respondents are his legal heirs.

02. Learned Advocate holding for learned Advocate Mr. V.D. Sapkal appearing for the appellant submits that instructions have not been received from the Advocate who was representing the appellant in the trial Court.

03. The first and foremost fact is, that taking into consideration date of death of appellant and no steps were taken within 90 days to bring his legal representatives on record, the appeal is abated. Another fact that is to be seen is that present respondents are in fact, legal representatives of the appellant. Under such circumstance, it appears that

there is nothing in the matter left.

04. In the light of above, the second appeal as well as civil application are disposed of as abated.

(Smt. Vibha Kankanwadi)
JUDGE

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