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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.141 OF 2017

Sanjay Savlaram Kashikar ... Appellant.

V/s.

Jairam R. Nadar and anr ... Respondents

Ms. Swati Parag Gautam, for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 29th JANUARY, 2019.

P.C. :

1] Learned counsel for the appellant submits that this appeal is preferred against the order dated 07.04.2016, passed by City Civil Court, Dindoshi, Goregaon, Mumbai, in Notice of Motion No.212 of 2014, in S.C.Suit No.498 of 2013, by which the Notice of Motion was made absolute.

2] The said Notice of Motion was preferred by respondent No.1 plaintiff. However, now as respondent No.1- plaintiff has died. His legal heirs were not brought on record and as a result thereof the suit is abated. Therefore, this appeal has become infructuous and therefore needs to be dismissed.

4] However, learned counsel for the appellant seeks liberty to revive the appeal, in case the suit is revived.

5] In view thereof, appeal stands disposed off with liberty to revive the appeal if the suit is revived.

[DR.SHALINI PHANSALKAR-JOSHI, J.]