

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 98 OF 2015****IN****SECOND APPEAL (ST) NO. 27509 OF 2014****ALONGWITH****SECOND APPEAL (ST) NO. 27509 OF 2014****Jaywant Bharmar Wadkar****..... Applicant/
Appellant****VERSUS****Sundarabai Keshav Sankpal & Ors.****..... Respondents**

Mr.Nikhil Pawar, i/b. Mr.T.S.Ingale for the Applicant/Appellant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2019****P.C.**

Second Appeal not on board. Taken on board.

2. Learned counsel for the applicant states that in view of his client not giving instructions to take steps to set aside the order of dismissal of the second appeal against the unserved respondent no. 4D and respondent nos. 1 and 3, who have expired, he is unable to take any step for setting aside the order of dismissal against those respondents. Statement is accepted.

3. Since no steps are taken to set aside the order of dismissal against the contesting respondent i.e. the respondent no.1 and some of the other respondents, nothing survives in this civil application as well as in second appeal. Civil application as well as second appeal are accordingly dismissed. No order as to costs.

[R.D.DHANUKA, J.]