

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

SECOND APPEAL NO.371 OF 1992

UDHAV HANMANT PANDILWAR.
VERSUS
MAHESHKUMAR NANDKUMAR U/G.NANDKUMAR.

...

Advocate for the Appellant : Ms.Sonia Shankar Chillarge h/f Shri Chillarge
S.V.

Advocate for Respondents 1 and 2 : Shri S.G.Rudrawar

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CORAM: S. M. GAVHANE, J.

DATE :- 15th January, 2020

Per Court:

1 Ms.Sonia Chillarge, learned advocate holding for Shri Chillarge, learned advocate for the appellant, states that the sole appellant is dead and his legal heirs were repeatedly informed to take necessary steps to bring themselves on record, but they have not responded and therefore, the appearance of Shri Chillarge, learned advocate for the sole appellant, may be discharged.

2 Shri Rudrawar, learned advocate appearing for the respondents, places on record the copy of the certificate issued by the Gram Panchayat, Mukramabad, Taluka Mukhed, District Nanded dated 25.08.2012 stating that the sole appellant (Uddhav Hanmant Pandilwar) was residing at Mukramabad and he is dead, but there is no entry in the

record of the Gram Panchayat. The copy of the said certificate dated 25.08.2012 is taken on record and marked as “X” for identification.

3 It appears that the sole appellant has passed away prior to 25.08.2012. His legal heirs are not brought on record. The decree for declaration and possession was passed in favour of the respondents and against the sole appellant. The appeal of the sole appellant was also dismissed by the first Appellate Court.

4 In the above circumstances, this Second Appeal is disposed of as abated.

kps

(S. M. GAVHANE, J.)