

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

913 FIRST APPEAL NO. 2905 OF 2017

EXECUTIVE ENGINEER, AURANGABAD IRRIGATION DIVISION,
AURANGABAD AND ANR
VERSUS
NAMDEO TUKARAM SHINDE

...
Advocate for Appellants : Mr. Ruturaj C. Patil

...
WITH FA/2906/2017

...
CORAM : K.K. SONAWANE, J.
DATED : 07th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for the appellants.
2. This Court under order dated 10-01-2020 categorically observed that sole-respondent was reported to be dead and matters were listed for taking steps against deceased respondent since 2019. But, the appellant - Acquiring Body did not take any steps though sufficient time was granted to it for the same. The order dated 10-01-2020 also stipulated that, in case, appellant failed to take steps, requisite order of dismissal of proceedings will be passed on the next date.
3. Today, the learned counsel Mr. R.C. Patil, appearing for appellant-Acquiring Body express inability to take steps against deceased respondent for want of requisite instructions from concerned department. Under such circumstances, there is no propriety to keep the matters alive on Board awaiting steps to be taken by the office of Acquiring Body for bringing L.Rs. of deceased respondent on record. Moreover, after death of sole respondent the matters came to be abated after efflux of stipulated period. In such circumstances, this Court constrained to dismiss the present appeals for want of prosecution. Accordingly, the present appeals stand dismissed for want of prosecution. No order as to costs.

Sd/-

**[K. K. SONAWANE]
JUDGE**