

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

CIVIL APPLICATION NO. 139 OF 2019

IN

SECOND APPEAL NO. 199 OF 2019

Shri Ramrao Shamrao Kamble & ors. ..Applicants.

v/s.

Shri Vinayak Narayan Mali & ors. ..Respondents.

Mr. Ajay L. Bhise, advocate for applicants.

Mr. Shubham Kanade i/b. Mr. Umesh R. Mankapure, advocate for respondent Nos. 1 to 3, 7, 11 and 12.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 3, 2020.

P. C. :

1 This is an application for bringing legal heirs of the respondent No. 5 on record. The application is filed on 8/10/2018. Learned Counsel for the applicant submits that at the time of service of notice, it had transpired that the legal heirs of the respondent have also expired. In fact, according to the learned Counsel for the applicant, respondent No. 5 had expired during the pendency of R.C.S. No. 387/2000. However, he continued to be a party in Civil Appeal No. 98 of 2009 and that demise of the respondent No. 5 was not brought to the

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notice of the appellate court.

2 In view of this, nothing survives in this application. The same is disposed of accordingly.

4 Second Appeal stands abated as against respondent No. 5A and 5B. Amendment to be carried out forthwith.

[SMT. SADHANA S. JADHAV, J.]