

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

940 FIRST APPEAL NO.1945 OF 2020

**THE STATE OF MAHARASHTRA AND ANR
VERSUS
LAXMAN MALABA KONDEWAD**

Mr. A.A. Jagatkar, AGP for the appellant/State

CORAM : V. L. ACHLIYA, J.

DATE : 20-01-2021

P. C.

. Heard.

2. None present for the respondent when the matter is called out.

3. Mr. Jagatkar, AGP for the respondent/State submits that though the District Collector, Latur has been informed to provide the names of legal heirs of the deceased respondent, no response is received.

4. Perusal of the bailiff report spell out that deceased has died on 15-12-2005 i.e. few days after the judgment and order passed by the reference court. Reference was decided on 22-11-2005. The appeal was filed alongwith delay condonation application in the year 2006. Although the respondent was not served, the

application seeking condonation of delay appears to be allowed vide order dated 16-09-2020 passed by this court [Coram: Shrikant D. Kulkarni, J.].

5. In spite of case is repeatedly adjourned, no steps have been taken by the appellant to bring the LR's of deceased respondent on record who died in the year 2005. In that view the appeal is abated. Hence, the appeal is dismissed as abated.

6. The appellant may apply for setting aside the abatement of appeal.

[V. L. ACHLIYA, J.]