

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 SECOND APPEAL NO.205 OF 2013

KAPILADEVI BHUDARMAL GOSWAMI DIED THR LRS RENU KRISHNA
MURARI JOSHI
VERSUS
KUNDALIKA PANDUJI BHAKRE DIED THR LRS MUKTABAI KUNDLIK
BHAKRE AND ORS

...

Advocate for Appellant : Mr. Bagdiya Vishal A (Absent)
Advocate for Respondent Nos.6a to 6e : Mr. P. S. Agrawal

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17.08.2021

ORDER :-

- . None for the appellant.
2. Appellant is the original plaintiff who had filed Regular Civil Suit No.149 of 1990 for recovery of possession. The suit was dismissed. Appeal preferred by her i.e. Regular Civil Appeal No.12 of 2003 was also dismissed by learned District Judge-3, Hingoli on 21.01.2012. Hence, she has filed Second Appeal. However, it is to be noted that as per the order passed by this Court on 02.09.2013, as the appellant has not taken steps in respect of deceased respondent Nos.2A, 4G, 5, 7 and 8 as well as it remained unserved in respect of respondent No.3 within the stipulated time, the appeal has been dismissed. Therefore, in view of

the decision of the Hon'ble Supreme Court in ***Bibijan and others Vs. Murlidhar and others, [(1995) 1 SCC 187]***, the entire appeal abates. This Court cannot give a contrary decision in absence of legal representatives of deceased respondents. Therefore, the appeal in its entirety stands dismissed.

[SMT. VIBHA KANKANWADI, J.]

scm