

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

APPEAL FROM ORDER NO. 65 OF 2019
WITH
CIVIL APPLICATION NO.14437 OF 2018

Anita d/o Jaiwantrao Dhanve
@ Anita @ w/o Digamber
Amdure and anr.

..Appellants

Versus

Devannabai w/o Nagu Dhanve
and ors.

..Respondents

Mr S.S. Chillarge, Advocate for appellants
Mr Arvind Deshmukh, Advocate for respondents no.1 to 3 - absent

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 13th July 2021

PER COURT :

1. Heard Mr S.S. Chillarge, learned Advocate for the appellants.
2. Learned Advocate for the appellants invited my attention to the copy of the order passed below Eh.01 in R.C.S. No.03/2009 by the Civil Judge, Junior Division, Himayatnagar dated 27.9.2019. The same is taken on record and marked as "X" for identification. He submits that the trial Court has dismissed the suit for want of necessary parties and as such, appeal has become infructuous.
3. Mr Arvind Deshmukh, learned Advocate for respondents no.1 to 3 is neither available in the Court hall where video conferencing facility is made available nor available virtually when the matter is called out. None present for respondent no.4 though served.
4. On going through the copy of the order below Exh.01 in R.C.S. No.3 of 2009 passed by the Civil Judge, Junior Division, Himayatnagar (Exh."X"), it is noticed that the trial Court has dismissed the suit for want of necessary parties vide order dated 27.9.2019.

5. Having regard to the order passed below Exh.01 in R.C.S.No.03/2009, this Appeal From Order stands disposed of. No order as to costs.

6. In view of disposal of Appeal from Order, Civil Application stands disposed of.

(SHRIKANT D. KULKARNI, J.)

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