

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

95 SECOND APPEAL NO.903 OF 2004

FAKIRA TATYABA GAIKWAD
VERSUS
BHAMABAI PRABHAKAR GAIKWAD

...

CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 16/02/2022

1. None present. The Civil Applications moved by the appellants to bring on record legal heirs of the deceased sole respondent have been disposed of as registration thereof came to be refused for non-removal of office objections. Thereafter, on the last date i.e. on 19.01.2022 the learned advocate made a statement across the bar that he will take steps to bring on record legal heirs of the deceased respondent. In the order itself it was made clear that the second appeal be listed after two weeks, if no Civil Application is moved to bring on record legal heirs. Accordingly, after three weeks the office listed second appeal on the board of Registrar (Judicial). It is pertinent to note that despite positive statement no steps have been taken. In turn, it would be just and

proper to dispose of the appeal as abated.

2. The sole respondent has died on 16.09.2012. More than nine years have been lapsed. This sole circumstance indicates that appellants are not vigilant and have no desire to proceed with the second appeal. In turn, second appeal stands abated as a result of death of sole respondent.

REGISTRAR (JUDL)