

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1041 OF 2004
ALONG WITH
SECOND APPEAL NO.1042 OF 2004

Baban Genu Dhorake] ... Appellant

Vs.

Maruti Balkrishna Yede & Ors.] ... Respondents

...

Mr. Sarthak Diwan i/b Mr. Kailas Dewal for the appellant in both the appeals.

Mr. Jaydeep Deo for respondent Nos.2 to 4.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

1. Heard Mr. Diwan, the learned counsel appearing for the appellant and Mr. Deo, learned counsel for respondent Nos.2 to 4.
2. The learned counsel for respondent Nos.2 to 4 states that the

sole appellant in both the appeals has expired on 25/11/2005 and this was recorded in the order dated 09/04/2021. Today, the death certificate of the appellant, Baban Genu Dhorake, is tendered in the court, which is taken on record and marked 'X' for identification.

3. In the wake of the aforesaid event, the appeals stand abated, though his legal heirs, on finding that a cause of action survives, are at liberty to move an application for setting aside the abatement order.

4. The appeals are dismissed as being abated.

[SMT. BHARATI DANGRE, J.]