

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 315 OF 2019
IN
FIRST APPEAL NO. 1081 OF 1996**

Vijay @ Ambadas Dattatraya Pawar
(since deceased through legal heirs) :
Kamal Ambadas Pawar and ors.

.... Applicants

v/s.

Ramappa Ambannappa Masare and ors.

.... Respondents

Mr. Machhindra Patil for the Applicants.

Mr. R.S. Alange for Respondent Nos.1(a) to 1(c) and 1(e).

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2023.

P. C. :-

. The sole appellant had expired on 06/09/2015. The application for bringing on record the legal representatives of the deceased appellant was dismissed for non-compliance of the conditional order. By order dated 08/08/2019, the Appeal was disposed of as abated since the legal representatives of the deceased sole Appellant were not brought on record. Pursuant to the said order, the Appellant filed the present application to recall and review the order dated 08/08/2019 and to restore the appeal and further to set-aside the order of abatement.

2. It is seen that during the pendency of this Application, the Appellants filed another application being Interim Application No.94/2022 for restoration of application for bringing on record the legal representatives of the deceased appellant and further to set-aside the abatement and to bring on record the legal representatives of the deceased sole appellant. The said interim application has been allowed by this Court vide order dated 08/04/2022. Pursuant to the said order, the legal representatives of the deceased sole appellant are already brought on record. Hence, nothing survives in this application. Interim Application No.314/2019 stands disposed of.

3. First Appeal to be listed before regular court.

(SMT. ANUJA PRABHUDESSAI, J.)