

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 SECOND APPEAL NO. 206 OF 1997
WITH
CIVIL APPLICATION NO. 2372 OF 1997
IN SA/206/1997

RAMESHWAR HIRALAL HEDA AND OTHERS
VERSUS
RAMDAYAL HIRALAL HEDA

...
Mr. Rohit Dhongade h/for Mr. V. T. Chaoudhari, Advocate for the
Respondent

CORAM : Y. G. KHOBRAGADE, J.
DATE : 18th April, 2024

ORDER:

1. None appears for the appellants.
2. On the face of record, it appears that on 07.05.1997, the appellants instituted the present appeal challenging the judgment and decree dated 31.01.1997 passed by the learned 3rd Additional District Judge, Jalna in Regular Civil Appeal No. 181 of 1991 arising out of judgment and decree dated 31.07.1991 passed by the learned Second Joint Civil Judge, Junior Division, Bhusawal in Regular Civil Suit No.111 of 1983.
3. On 28.09.2000 the appeal came to be admitted. Subsequently, this matter was listed on various dates for final hearing. On 01.08.2023, Mr. P. R. Patil, the learned counsel for the appellants had sought time to ascertain about possibility of settlement of dispute

between the parties. On 30th August, 2023 Advocate Mr. P. R. Patil, the learned Advocate appearing for the appellant filed pursis about withdrawal of Vakalatnama. Thereafter on 09.01.2024, this Court issued notice to the appellants for engagement of another counsel. In response, the Bailiff submitted the report. As per bailiff report, Appellant No. 3 Madhusudan Rameshwar Heda duly served. However, Appellant No.1 Rameshwar Hiralal Heda and Appellant No.2 Subhash Rameshwar Heda reported dead. But till date, no steps have been taken for bringing legal heirs of deceased Appellant Nos. 1 and 2 on record. Therefore, the appeal is abated in respect of Appellant Nos.1 and 2.

4. Since inspite of service of notice Appellant No.3 did not appear, the appeal is dismissed as against Appellant No.3.

5. Record and proceedings be remitted to the trial court.

(Y. G. KHOBRADE, J.)

JPChavan