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905-sa-90-97

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

905 SECOND APPEAL NO. 90 OF 1997

RADHABAI W/O KISHANRAO DESHMUKH LAND OTHERS.

VERSUS

PRAYAGBAI, W/O SHAMRAO DESHMUKH DIED THR. L.RS.

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Advocate for Appellants : Ms.Sawari M. Patil

h/f. Mr. C.S. Deshmukh.

Advocate for Respondents : Mr. M. G. Kolshe Patil

WITH

CIVIL APPLICATION NO. 962 OF 1997

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 27.03.2024

PER COURT :

1. Ms.Sawari M. Patil holding for Mr. C.S. Deshmukh, learned counsel appearing for the appellants prays time for taking steps for bringing the legal heirs of deceased respondent on record.
2. Needless to say that on 13.03.2024, this Court passed the following order :-

“1. The learned counsel appearing for the Appellants submits that as per her information legal heirs of original Respondent have died but she has no knowledge about the date on which the Respondent died.

2. As per order dated 20.12.2023, this Court granted sufficient time for taking steps for bringing legal heirs on record, however, again time has been sought. Therefore, considering this exigency two weeks time is granted as a last chance, failing which suitable order would be passed.

3. Stand over to 27.03.2024.”

However, the appellants fail to bring the legal heirs of the deceased respondent on record, even after lapse of 90 days, therefore the appeal is abated as against the deceased respondent.

(Y. G. KHOBRAGADE, J.)

shp