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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 418 OF 2018
WITH
CIVIL APPLICATION NO. 971 OF 2018
IN
SECOND APPEAL NO. 418 OF 2018**

Shri Ajit Basgonda Dhere and Anr ... Appellants/Applicants
vs.

Shri Ulhas Madhavrao Patwardhan and ... Respondents
Ors

Mr. Tushar R. Momayah i/b. Ms. Meena Sharma for
Appellants/Applicants.

Mr. Tejpal S. Ingale a/w.Mr. Chaitanya Narvekar, for Respondents.

CORAM : GAURI GODSE, J.

DATED : 16th OCTOBER 2024

ORDER:

1. Since none had appeared for appellant on the last occasion, the second appeal was directed to be listed today under the caption for 'dismissal'. The second appeal already stands abated against respondent no.1 who had filed First Appeal. The decree passed by the trial court is reversed by the First Appellate Court in the appeal

preferred by respondent no.1. Thus, decree for injunction passed against the respondents is set aside in the first appeal.

2. In view of abatement of the appeal against respondent no.1, the entire second appeal stands abated and nothing survives in the second appeal. Respondent no.1 has expired on 3rd May 2023, till date no steps are taken by the appellant. Hence, the second appeal is dismissed as abated.

3. In view of the dismissal of the second appeal, pending application is disposed of as infructuous.

(GAURI GODSE, J.)