



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

941 SECOND APPEAL NO. 125 OF 1994

HIRABAI DEEPAJI WIKHE AND OTHERS.

....Appellants

VERSUS

RAMAKANT @ RAMESH RAMKRISHNA WIKHE.AND OTHERS.

.....Respondents

Mr. Sanket Kulkarni, Advocate for the appellants

Ms. Priyanka Kale, Advocate for the respondents

CORAM : ABHAY J. MANTRI, J.

DATE : 23rd SEPTEMBER, 2025

PER COURT :

1. The learned advocate for the appellant submitted that he has tried to contact the appellants but cannot reach them. Therefore, he submitted that an appropriate order may be passed.

2. On the other hand, the learned advocate for the respondents submitted that during the pendency of the appeal, the appellant Nos. 1 & 2 and respondent Nos. 3,4,5 & 5B have expired, and she has also tendered the xerox copies of their death certificates along with an affidavit. The same are taken on record and marked as 'X' for identification purposes.

3. It further appears that by order dated 23-07-2025, this court has directed the appellants to respond to the submission of the

learned advocate for the respondents about the death of appellant No.2 and also observed that if the appellant fails to point out contrary, an appropriate order shall be passed.

4. Today, the learned advocate for the appellants submitted that he is unable to make a statement because he lacks instructions.

5. Apart from that, the learned advocate for the appellants failed to take steps against the respondents and appellant Nos. 1 and 2. Matter is an old one. It seems that the appellants are not interested in prosecuting the matter.

6. In view of the above, the second appeal stands dismissed for want of prosecution.

[ABHAY J. MANTRI, J.]