

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.703 OF 2001

Ratnakar Ambadas Bhagwat
(Since Deceased through his legal heirs)
Ambadas Damodhar Bhagwat
(Since Deceased through his legal heirs)
Shakuntala Ambadas Bhagwat & Ors. ...Appellants

Versus

Maruti Khashaba Shinde
(Since Deceased through his legal heirs)
Sarubai Maruti Shinde & Ors. ...Respondents

Mr. P. A. Pol, for the Appellants.
Mr. D. S. Mhaispurkar, for the Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th JUNE 2025

PC:-

1. On 25th June 2025, as none appeared for the Appellants, the matter was directed to be listed today i.e. on 26th June 2025 under the caption of “dismissal”. Mr. Pol, learned Counsel appearing for the Appellants states that he was not knowing that the matter was on board and therefore, he could not remain present. Accordingly, the order dated 25th June 2025 is recalled.

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2. Mr. Pol, learned Counsel states that the Appellant is original Defendant No.1. Learned Trial Court has decreed the suit directing that the Defendant No.1 shall execute registered Sale Deed of suit property. He states that the said order has been challenged by the Defendant No.1 before the learned Appellate Court and the learned Appellate Court has dismissed the said Appeal. He states that during the pendency of this Second Appeal, the Appellant i.e. Defendant No.1 has executed Sale Deed dated 28th July 2009 in favour of the Respondents. He states that decree has been executed and therefore, nothing survives in the Second Appeal. He states that accordingly, Second Appeal be disposed of.

3. Accordingly, the Second Appeal is dismissed.

[MADHAV J. JAMDAR, J.]