

S.B. Civil Misc. Appeal No.106/2005

Prakash Chandra and others. vs. Bhanwar Singh and others.

Date : 27.4.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. S Saruparia, for the appellant.

Mr. RS Mankad, for the respondents.

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As per the order-sheet dated 26.4.2005, report received on the summon of the respondent no.5 that he has died. No steps were taken even after getting the time from the Court even on 16.1.2006 and 27.3.2006 for bringing on record the legal representatives of respondent no.5. Since the respondent no.5 is one of the defendant and no other legal representative of said respondent no.5 is on record, therefore, the appeal against the respondent no.5 is abated and consequently, whole of the appeal is abated. Accordingly, this appeal is dismissed as abated.

S.Phophaliya

(PRAKASH TATIA), J.