

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2442 of 2007**

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DY. GENERAL MANAGER

Versus

GAJANAND ELASTIC INDUSTRIES THRO' ITS PARTNER & ORS.

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Appearance:

MR HS MUNSHAW(495) for the Appellant(s) No. 1

MRS SUMAN KHARE(2226) for the Defendant(s) No. 1.2,1.3,1.4,1.5

UNSERVED EXPIRED (R) for the Defendant(s) No. 1.1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 21/02/2024****ORAL ORDER**

1. When the matter was taken up for hearing, it reveals that respondent No.1/1 has expired and since 2015, no steps have been taken by the appellant to bring the heirs of deceased respondent No.1/1.

2. Even the order dated 02.09.2015 has not been complied with by the appellant so far. In view of order dated 02.09.2015 passed by this Court, Appeal *qua* heirs of deceased respondent No.1/1 will be abated, if necessary steps are not taken. Thus, Appeal *qua* respondent No.1/1 is abated.

3. At this juncture, learned advocate Mr. H. S. Munshaw for appellant has requested that the liberty may be given to the appellant to move appropriate application for setting aside the abatement *qua* heirs of respondent No.1/1. Liberty is granted. However, such application shall be decided on merits.

Stand over to 28.02.2024.

Vikramsinh Amarsinh

(D. M. DESAI,J)