

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

WRIT PETITION NO. 8482 OF 2014

RAGHUNATH PUNA CHAUDHARI
VERSUS
DHARMA PUNA CHAUDHARI AND OTHERS

...
Advocate for Petitioner : Mr. A M Gholap

...
CORAM : V.K. JADHAV, J.

Dated: February 18, 2015

...
PER COURT :-

1. The learned counsel for the petitioner submits that, during the pendency of this Writ Petition, the petitioner who is the original defendant no.1 died. The explanation to Section 141 of Civil Procedure Code makes it clear that, the provisions of Order 22 do not apply to Writ proceedings. Thus, rule as to abatement do not apply to writs. The learned counsel for the petitioner submits that, he has no further instructions in the matter.

2. It appears that, the petitioner who was the original defendant No.1 has preferred the appeal which came to be dismissed in default by the District Judge-2, Jalgaon. The L.Rs of the petitioner may take steps in the matter, if right to sue survives.

3. In view of this, writ petition stands disposed of.

(V.K. JADHAV, J.)

...