

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1136 OF 2011

Jagdish Gowda ... Petitioner
Vs.
G. R. Jayalakshmi and others ... Respondents

None for Petitioner.
Ms Radha Ved i/b. Sanjay Udeshi & Co. for Respondent No.1 and 2.

CORAM : R. G. KETKAR, J.
DATE : 17TH JUNE, 2015

ORDER :

None appears for the petitioner.

2. Heard Ms Ved, learned Counsel for respondents No.1 and 2.
3. Ms Ved submitted that by this Petition, the original plaintiff has challenged the judgment and order dated 20.12.2010 passed by learned II Joint Civil Judge, Senior Division, Thane below exhibit 47 in Special Civil Suit No.669 of 2006. By that order, the learned trial Judge rejected the application made by the petitioner under Order XVI, Rule 1(3) of the Code of Civil Procedure, 1908 for issuing summons to - (a) defendant No.2 - Raghava Sreekumar Menon, (b) Mr. Jeetendra Sachdev, Advocate High Court and (c) Existing Secretary of defendant No.3 - Sagar Co-operative Housing Society Limited.
4. Ms Ved submitted that during the pendency of this Petition, Suit instituted by the petitioner, itself, is disposed of on 31.12.2012. She has tendered a photocopy of the trial Court's order. The same is taken on record and marked 'X' for identification. She submits that since the main

Suit is disposed of, nothing survives in this Petition as the same is infructuous.

5. In view thereof, Petition is disposed of as infructuous. Rule is discharged with no order as to costs.

(R. G. KETKAR, J.)

Minal Parab