

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9241 OF 2003

Abdul Jaleel Mohd. Suleman Momin & Ors. ..Petitioners
vs.
Suresh Dayalji Thakkar & Anr. ..Respondents

None for Petitioners.
Mr. Piyush Shah for Respondents.

CORAM : M. S. SONAK, J.
DATE: 24 APRIL 2015

P.C. :-

1] The learned counsel appearing for the respondents, who are the plaintiffs in Regular Civil Suit No. 51 of 1999 submits that the suit itself has become infructuous. The respondents have instituted a fresh suit based upon fresh cause of action which is Regular Civil Suit No. 331 of 2015.

2] Since the Regular Civil Suit No. 51 of 1999 has itself become infructuous, the same is disposed of.

3] Based upon, an authenticated copy of this order, the learned Civil Judge to make a formal order in Regular Civil Suit No. 51 of 1999 disposing of the same.

4] Since the Regular Civil Suit No. 51 of 1999 has been rendered infructuous and only awaits formal disposal, this petition, which arises out of order made in the said suit declining to stay the said suit under Section 10 of the CPC, is also rendered infructuous.

5] In view of the aforesaid, this petition is disposed of as having become infructuous.

6] The respondents to place authenticated copy of this order before the learned Civil Judge in Regular Civil Suit No. 51 of 1999 on or before 30 June, 2015.

6] All parties to act on basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka