

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 473 OF 2013

Shri Dattu Damu Wagh

Applicant

Vs

Shri Bhaskar Laxman Ratnakar
and ors

.. Respondents

None for Applicant.

Mr. Suhas S. Deokar, Advocate for Respondents.

CORAM : R.G.KETKAR,J.

DATE : 11/08/2015

PC:

1. None appears for the applicant. Heard Mr. Suhas Deokar, learned counsel for the respondents.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the applicant has challenged the Judgment and order 29.1.2013 passed by the learned Jt. Civil Judge, Jr. Dn., Sinnar below Exhibits 108, 114, 116, 119 and 121 in Regular Darkhast No.3 of 2004. By that order, the learned trial Judge rejected the applications.

3. Mr. Deokar submitted that the respondents herein filed Regular Darkhast No.3 of 2004 for execution of decree dated 15.11.2003 passed in Regular Civil Suit No.193 of 1976. He submitted that during the pendency of this application, Darkhast is dismissed by the learned trial Judge. Aggrieved by that decision, the respondents have preferred Appeal in the District

court and the same is pending. He submitted that as the Darkhast itself is dismissed, Civil Revision Application has become infructuous. He has informed this fact to the learned counsel for the applicant.

4. In view of the submissions of Mr. Deokar that Darkhast itself is dismissed by the Executing court, this Application does not survive and the same is disposed of as infructuous. Order accordingly.

(R.G.KETKAR, J.)