

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.977 OF 2014
IN
WRIT PETITION NO.6365 OF 2010**

Bashir Ainuddin Mulla & Anr.

..Applicants

Vs.

Bebijan Abdulkadar Mulla

..Respondent

**Mr. Harshad Shingnapurkar i/b Mr. Amit Borkar for the Applicants
Mr. S. S. Patwardhan for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 6th FEBRUARY, 2015**

P.C.

1 The above Civil Application has been filed for restoration of the above Writ Petition which has been dismissed for non prosecution on account of the non appearance of the Advocate on 19-10-2010. The Learned Counsel for the Respondent states that the Suit in question has been decreed in favour of the Respondents. Thereafter the Appeal filed by the Petitioners being belated, an application for condonation of the said delay came to be rejected, arising out of which the above Writ Petition has been filed. The Learned Counsel appearing on behalf of the Respondent further states that the decree has been executed and the possession has also been obtained on 7-10-2010. In my view, therefore, no useful purpose would be served by entertaining the

above Writ Petition. The Civil Application is allowed. The Writ Petition is restored to file. However on restoration, for the reasons aforesated, the Writ Petition is dismissed.

[R.M.SAVANT, J]