

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3941 OF 2014.

(SMT. PRAMILA VIDYADHAR MENDHULE...VS..ARVIND BHASKARRAO DANDE.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 08, 2015.

Heard Shri S.L.Kotwal, advocate for the petitioner
and Shri P.K.Mishra, advocate for the respondent.

The petitioner has challenged the order passed by the trial Court on 10th December, 2013 directing that the proceedings of Special Civil Suit No. 212 of 2005 shall stand stayed till the decision of Regular Civil Appeal No. 7 of 2005 which was pending before District Court, Nagpur. It is undisputed that Regular Civil Appeal No. 7 of 2005 is dismissed for want of prosecution on 27th July, 2015. In these facts, the challenge to the impugned order does not survive and the present writ petition has become infructuous.

Shri Kotwal, learned advocate for the petitioner has expressed an apprehension that the appellant in Regular Civil Appeal No. 7 of 2005 may take steps for restoration of the appeal and it may be restored and if such event takes place then it will be *fait accompli* for the petitioner.

The submission made on behalf of the petitioner requires consideration. It is clarified that in case, Regular

Civil Appeal No. 7 of 2005 is restored, the petitioner is granted liberty to move appropriate application for restoration of the writ petition to revive the challenge.

The writ petition is **disposed of** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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