

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 747 OF 2015

M/S PROFILE DEVELOPMENTS,
REPRESENTED BY ITS PARTNER MR.
PRAMOD KUSUMAKAR DIGHE.

... Petitioner

Versus

SHRI.DEVESH TULSIDAS KENAUDEKAR
AND 6 ORS.,

... Respondents

Mr. Joaquim Godinho, Advocate for the petitioner.

Mr. R. Menezes, Advocate for the respondent no.1.

Ms. D. Lotlikar, Advocate for the respondent nos.2 to 7.

Coram:- S. B. SHUKRE, J.

Date:- 3rd February, 2016

P.C.

This writ petition challenges the order dated 28/04/2015 passed in Miscellaneous Civil Appeal No.118/2014, which rejected one of the applications (Exh.11), filed by the petitioners. That application was filed for impleadment of the petitioner as a necessary party to the proceedings. However, on 15/10/2015, Miscellaneous Civil Appeal No.118/2014 came to be finally disposed of.

2. The result of subsequent development is that this petition, and it is admitted by both sides, has become infructuous. Even otherwise by the order passed on 22/01/2016, in Execution Application No.2/2013, the Executing Court has allowed the prayer of the

petitioner to be brought on record in place of deceased decree holder Smt. Lalita Prabhakar Qenaudekar.

3. The petition is, therefore, dismissed as infructuous. However, it is made clear that this order shall not come in the way of the petitioner to challenge the finding recorded in the order impugned herein, if any occasion arises for the same and if it happens, the respondents shall equally have right to raise objection to the said challenge and thus, all the contentions of the parties are kept open for being decided on their own merits in that case.

4. The petition is disposed of in above terms.

S. B. SHUKRE, J.

SMA