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

***APPEAL FROM ORDER NO. 550 OF 2015
WITH
CIVIL APPLICATION NO. 688 OF 2015***

Ramnath T. Dubey and Ors.

... Appellants/Applicants.

V/s.

Ramajor R. Dubey & Anr.

... Respondents.

Mr. S.S. Redekar a/w. K.R. Tiwari for the Appellants/Applicants.

Mr. Ashutosh Kaushik i/b. Kaushik & Co. for the Respondents.

CORAM : N.M. Jamdar, J.

13 April, 2016.

P.C. :-

The Suit from which the Appeal arises is filed by the Appellants with a prayer that the Respondents should not disturb their possession without following due process of law. Impugned order in this Appeal was passed on 11 March 2015. Thereafter, the Respondents have filed a Suit No. 2138 of 2015 on 7 August 2015 for recovery of possession from the Appellants. It is thus clear that the Respondents have already adopted the legal proceedings for recovery of possession from the Appellants and therefore, the apprehension expressed by the Appellants that the Appellants would be dis-posessed without due process of law, no longer survives as the Respondents will have to take steps as per law in the

Suit filed by them. It is therefore not necessary to keep the Appeal pending. The S.C.Suit No. 161 of 2015 filed by the Appellants also does not survive. The Appeal and the Civil Application are accordingly disposed of. The parties will place the copy of the order on the file of S.C.Suit No. 161 of 2015 for passing appropriate order of disposal.

(N.M. Jamdar, J.)