

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1454 OF 2016

IN

WRIT PETITION NO.6387 OF 2004

(Suhas Ambadas Bhalerao Vs. Popatlal Chandulal Shaikh (decd) through heirs Nazirhusain P. Shaikh and ors.)

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

Court's or Judge's orders

Mr. A. P. Kulkarni for Applicant-Original Respondent.
Mr. K. P. Shah i/b. Mr. P. B. shah for Respondents-Original Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 22ND JUNE, 2016

P.C.:

Not on Board. At the request of Mr. Kulkarni, taken up in the production board.

2. Heard Mr. Kulkarni, learned Counsel for applicant and Mr. Shah, learned Counsel for respondents.

3. By this application, respondent-tenant in the main Petition has prayed for disposing of the Petition on the ground that it has become infructuous. In paragraph 2 of the application, it is asserted that the original landlord i.e. opponents in this application and the petitioners in the main Petition have sold the entire land to the third persons. Applicant herein had instituted R.C.S.No.51 of 2013

against the subsequent purchasers and the said Suit is settled between the applicant and the subsequent purchasers and therefore, nothing survives in this Petition. Along with the application, consent terms filed in R.C.S.No.51 of 2013 are enclosed. Mr. Shah seeks time on the ground that he could not obtain instructions from the opponents - original petitioners and that today, he got the papers in the main matter.

4. In view of the application, which is solemnly affirmed by the applicant coupled with the consent terms, I do not have any reason to doubt the assertions made in the application. Hence, Civil Application is allowed in terms of prayer clause (a) of the Application. Writ Petition No.6387 of 2004 stands disposed of as infructuous. Rule is discharged with no order as to costs. Liberty is reserved to the petitioners (respondents herein) for review of this order, in case occasion arises.

(R. G. KETKAR, J.)

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