

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11697 OF 2015

Mr. Dinesh Tokershi Savla

.. Petitioner

Versus

M/s. Prime Properties Pvt. Ltd. and another

.. Respondents

Mr. R. A. Thorat, Senior Advocate i/by Mr. P. J. Thorat, for the
Petitioner.

Mr. Jaydeep Deo i/by Mr. S. K. Tyagi and Mr. Omprakash Vaishnav, for
the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 12th FEBRUARY 2016

PC.

1. The order impugned in the above Writ Petition is passed in Obstructionist Notice No. 458 of 2010 in TE & R Suit No.83/87 of 2002. The Learned Senior Counsel appearing on behalf of the Petitioner states that the Obstructionist Notice has been made absolute in the absence of the Petitioner on 07.01.2015. He tenders the order of the said date passed by the Learned Judge of the Small Causes Court. It is recorded in the said order that the obstructionist and his advocate were absent though he matter was repeatedly called out. It seems that the application for restoration being MARJI Application No.40 of 2015 has also been rejected by the Learned Judge of the Small Causes Court by order dated

01.02.2016. In view of the aforesaid supervening events, the above Petition challenging an order passed in the said Obstructionist Notice proceedings has turned infructuous and is disposed of as such. However, it would be open for the Petitioner to apply for revival of the above Petition in the event the Obstructionist Notice is restored to file.

[R.M. SAVANT, J]