

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 10291 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Satyajeet Dighe for the Petitioner No.1

Mr. Tushar Sonawane for the Respondent No.2.

CORAM : K. K. TATED, J.

DATED : 27/06/2016

PC.:

. Not on board. At the request of Advocate for the respondent, matter is taken on board for urgent orders.

2 Heard learned counsel for the parties.

3 By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 18.01.2014 passed by Civil Judge, Junior Division, Igatpuri below Exh. 292 in Regular Civil Suit No.80 of 2000 rejecting the petitioner's plaintiff's application for allowing them to lead secondary evidence.

4 The learned counsel for respondent no.2 original defendant no.1 submits that during the pendency of present petition, the plaintiff filed praecipe at Exh. 305 before Civil Judge, Junior Division, Igatpuri in Regular Civil Suit No. 80 of

2000 for withdrawal of suit. Same was allowed by the Trial Court by order dated 27.08.2015. The copy of application as well as order passed by the Trial Court is tendered by Advocate for respondent no.2. Same is taken on record and marked "X" for its identification. He submits that in view of subsequent development, nothing survives in the Writ Petition .

5 At this stage, the learned counsel for the petitioner submits that in the present proceeding this court granted ad-interim relief on 08.06.2015. The same was violated by the respondent. Hence, petitioner has filed Contempt Petition No. 141 of 2016 and same is pending for hearing on its own merits. He submits that Contempt Petition to be continued on its own merits.

6 Considering the subsequent development, the following order is passed:

a) Writ Petition No. 10291 of 2014 is dismissed as infructuous in view of withdrawal of Regular Civil Suit No. 80 of 2000.

b) Contempt Petition No. 141 of 2016 filed by the petitioner to be decided on its own merits.

(K.K.TATED, J.)