

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3434 OF 1995
WITH
CIVIL APPLICATION NO. 5304 OF 1996
WITH
CIVIL APPLICATION (ST.) NO. 40456 OF 2017

Mohd. Ibrahim Khudbaksh
Since deceased by his L.Rs.

1-A. Jubedakhatun w/o Mohd. Ibrahim and others ...Petitioners

versus

Ramchand Bhikchand Lunkad
Shop by its owner
Bhikchand Ramchand Lunkad
Since deceased by his L.Rs.

1-A Battasabai Bhikchand Lunkad
(matter is abated as per the order
dated 18.10.1999)

1-B Nainsukh Bhikchand Lunkad ...Respondents

.....
Mr. Nitin S. Chaudhary, advocate for the petitioners.
Mr. V.S. Bedre, advocate for respondent No. 1-B.
.....

CORAM : V. K. JADHAV, J.
DATED : 14th DECEMBER, 2017

PER COURT:-

1. Learned counsel for the petitioners, on instructions, submits that during pendency of this writ petition, the respondent tenant had purchased the suit property and as such nothing survives in this writ petition. Learned counsel submits that during pendency of this writ petition, the petitioner 1-B died and the petitioners have submitted

death certificate alongwith the civil application St. No. 40456 of 2017. Thus, the said civil application is allowed in terms of prayer clause "B" and disposed of.

2. Even the petitioners have also made statement in para 3 of the civil application that during pendency of the writ petition, the suit property is sold to the respondent by present applicants by executing registered sale deed. In view of above, name of the petitioner No. 1-B Waseem Khan Mohd. Ibrahim stands deleted from the array of the petitioners. In view of subsequent developments occurred during pendency of the writ petition, nothing survives in this writ petition. The writ petition is thus, disposed of as infructuous.

3. Learned counsel for the petitioners submits that during pendency of appeal before the District Court and till the suit property was sold to the respondents, the respondents tenants have deposited certain amount before the district Court towards the rent and the petitioners may be permitted to withdraw the said amount.

4. In view of above submissions, if the amount towards rent is deposited before the District Court during pendency of appeal and if the same is not withdrawn, the petitioners are permitted to withdraw the same.

5. Writ petition is disposed of. Rule discharged.
6. Pending civil application No. 5304 of 1996 is also disposed of.

(V. K. JADHAV, J.)

rlj/