

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7850 OF 2017
(Rambilash Madanlal Soni and another Vs. Sunil Eknath Bajaj and
others)
WITH
WRIT PETITION NO.7151 OF 2016

Mr.B.A.Darak, Advocate for the applicants.
Mr.A.S.Bajaj, Advocate for respondent Nos.5, 6, 13, 15, 23, 32, 34,
39, 8, 16, 28, 12, 21, 20, 30, 31, 10, 29, 14, 36, 24, 9, 33, 17, 19.
Mr.P.N.Kalani h/f Mr.Y.G.Somani, Advocate for respondent No.26.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 23/06/2017

PER COURT :

1. The applicants pray for issuance of notice to the unserved respondents by a substituted service under Order 5 Rule 20(1) of the CPC.

2. Learned Advocates for the respondents submit that the petitioners are before this Court against the interlocutory impugned order dated 05/04/2016 passed below Exh.60 which was an application filed by the third party for seeking impleadment as a respondent. However, according to them, M.A.R.J.I. No.434/2013 has already been disposed of by the learned District Judge-11, Aurangabad on 17/06/2017 and therefore this petition would not

survive.

3. Learned advocate for the petitioners submits that in this situation, the petition may be disposed of and the petitioners would avail of a remedy as is permissible in Law.

4. Learned Advocates for the respondents do not oppose.

5. In the light of the above, the writ petition is disposed off, as being infructuous, with liberty as may be available in law. The civil application does not survive and stands disposed of.

(Ravindra V.Ghuge, J.)