

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.1427 OF 2013

Mr.Aurangzeb Mohamed Ayub Khan ..Appellant

V/s.

Mohammed Yakub Mohd. Ayub Khan

& Ors.

..Respondents

Mr.Suryajeet P. Chavan i/by Mr.P.J. Thorat for the Appellant.

Mr.A.M. Rajabally for Respondent Nos.1 to 6.

CORAM : M. S. SONAK, J.

DATE : 06 JANUARY 2017.

P.C.

1. The learned counsel for the appellant states that the suit in which the impugned order came to be made has itself been dismissed for non-prosecution.

2. Obviously, therefore, this appeal from order has become infructuous. In case, the suit is restored, the appellant shall have the liberty to apply for revival of this Appeal From Order. Such application if and when made, will be considered on its own merits and in accordance with law.

(M. S. SONAK, J.)