

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1682 OF 1998

Ms. Suman Hari Gangurde & Ors. Petitioners

Vs.

Smt. Rangubai N. Ghodekar (deceased) Respondents
thru' Shri. Ramdas Narayan Ghodekar
& Anr.

None for the Petitioners.

Mr. M.M. Sathaye, Advocate for Respondent Nos. 1A and 1B.

CORAM : G.S. KULKARNI, J.

DATE : 3 JULY, 2017

P.C. :

1 The Petitioner was a tenant of the suit premises namely- the respondent's house, situated at Upnagar, Nashik. The Respondent-landlord filed Regular Civil Suit No.161 of 1980 before the Court of Civil Judge, Junior Division, Nashik seeking possession on the ground of arrears of rent and bonafide requirement. By judgment and order dated 29th July, 1989, the learned trial Judge decreed the suit. Against the orders of the learned trial Judge, the Petitioner preferred Civil Appeal No. 369 of 1991 before the Court of District Judge, Nashik. The learned Additional District Judge by his judgment and order dated 10th December, 1997 dismissed the

appeal. Being aggrieved by this judgment and order, the Petitioner-tenant filed this writ petition.

2 By an order dated 2nd April, 1998, this petition was admitted and interim relief was granted in terms of prayer clause (b), subject to the Petitioner depositing all arrears upto date within four weeks before the trial Court and continue to deposit the rent as and when due. It appears that the Petitioner did not comply with the interim orders, the arrears of rent were not deposited as directed. Eventually, the Respondent-landlord had moved execution proceedings before the trial Court, which were numbered as Regular Darkhast No. 16 of 1998.

3 Mr. Sathaye, the learned advocate for the Respondent submits that the execution proceedings stand closed, in view of the possession of the suit premises being taken and handed over to the Respondent-landlord. He has placed on record possession receipt and other documents in the execution proceedings, which are marked as "X", for identification, in submitting that in view of the said further developments, the petition is rendered infructuous. It is also seen from the record that on the earlier occasion, the petitioner had not appeared, perhaps on account of these happenings. It appears that the petitioners therefore are not interested to prosecute this petition.

4 It is thus clear that the decree stands executed, the possession has already taken over by the Respondent. Resultantly, the writ petition is rendered infructuous, it is accordingly disposed of. No costs.

(G.S. KULKARNI, J.)