

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

WRIT PETITION NO.8535 OF 2016

Sharda Babu Singh

..Petitioner

Versus

M/s. D. K. Brothers and another

..Respondents

None for the Petitioner.

Shri. A. M. Rajabally for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 5th APRIL, 2017

PC.

1 The Learned Counsel appearing for the Respondent No.1 Shri. A. M. Rajabally draws this Court's attention to the order dated 04.03.2017 passed by the Learned Judge of the Small Causes Court, by which order the suit in question being RAD Suit No.974 of 2012 has been dismissed for non-prosecution on account of the persistent default of the Plaintiff in appearing in the said suit. In view of the dismissal of the suit, the above Petition challenging an interlocutory order passed therein does not survive and to accordingly stand disposed of as having turned infructuous.

2 In the event the suit is restored to file, the Petitioner would be at liberty to renew his challenge to the impugned order if so advised.

(33)-WP-8535-16.doc.

If such a challenge is raised, the same would undoubtedly be considered on its own merits and in accordance with law.

[R.M.SAVANT, J]