

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO. 9174 OF 2017

PANJABRAO NARAYANRAO NAIK
VERSUS
PRALHADRAO NARAYANRAO NAIK

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Advocate for Petitioner : Mr. P.N. Naik (petitioner in person)

Advocate for Respondents : Mr. D.M. Shinde

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CORAM : V. K. JADHAV, J.
DATED : 11th APRIL, 2018

PER COURT:-

1. Learned counsel for the respondent submits that during pendency of this writ petition, the earlier suit bearing R.C.S. No. 122 of 2010 (instituted by the petitioner) and R.C.S. No.113 of 2010 (instituted by the wife of petitioner), are disposed of by the trial court and as such, the cause for filing the present writ petition has been rendered infructuous. Learned counsel submits that the petitioner has filed an application under Section 10 of C.P.C. for staying the subsequent suit bearing R.C.S. No.94 of 2016 instituted by the present respondents against the petitioner and his wife and other defendants, in respect of the suit properties, which are subject matter of the earlier suits alongwith the other suit properties.

2. The petitioner, who is appearing in person, submits that the trial court has not dealt with the application filed by the petitioner in

terms of the provisions of Section 10 of C.P.C. and even though cause for filing this writ petition has been rendered infructuous, the order passed by the trial court is required to be examined. It appears that the aforesaid suits now came to be disposed of and as such, it would be purely an academic question to decide the propriety, legality and correctness of the order passed by the trial court. The said exercise would be undertaken in some other case. However, at present this writ petition is hereby disposed of as infructuous. No costs.

(V. K. JADHAV, J.)

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