

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 918 OF 2006
MAHALING GURUCHANBASAV & ANR
VERSUS
SHANKAR MAHALSING @ RUDRAMUNI SHIVACHARYA MAHARAJ.

...
Advocate for the Petitioner : Shri D.P.Deshpande.
Advocate for Respondent 1 : Shri V.D.Gunale.

...
CORAM: RAVINDRA V. GHUGE, J.
DATE :- 28th February, 2018

Per Court:

1 The learned Advocate for Respondent No.1 submits that this petition is rendered infructuous for the reason that the order under challenge in this petition is dated 05.12.2005 by which, the applications Exhibits 168 and 172 filed by Respondent No.1 / Plaintiff seeking leave to withdraw RCS No.460/1996 have been allowed and liberty was granted to file a fresh suit in the same cause. However, the Plaintiff has thereafter, not filed the suit in the same cause.

2 The learned Advocate for the Petitioners submits, on instructions, that after recording the statement of Respondent No.1, this petition can be disposed of.

3 Considering the above, this Writ Petition is rendered infructuous and stands disposed of. Rule is discharged.