

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8051/2018

Bharat Vithoba Masal & Ors.

... Petitioners

V/s.

Bratuhari Maruti Shendage & Ors.

... Respondents

Mr. V. S. Talkute for the Petitioners

Mr. Surel S. Shah for Respondent Nos. 1 to 12.

CORAM: K.K. TATED, J.

DATED : NOVEMBER 27, 2018

P.C. :

1 Heard. By this Writ Petition under Article 227 of the Constitution of India, the Petitioner seeks to challenge the order dated 11.07.2018 passed by the learned District Judge, Pandharpur in Misc. Civil Appeal No. 37/2018.

2 The learned counsel for the Respondent Defendant submits that Regular Civil Suit No. 627/2017 against which the Petitioner had filed Misc. Civil Appeal No.37/2018, itself is dismissed by order dated 24.09.2018. Hence, nothing survives in the Writ Petition.

3 The learned counsel for the Petitioner submits that they have already made an Application for restoration of the said suit, which is pending for hearing on merits. Therefore, the Writ Petition may be adjourned for some time.

4 It is to be noted that when the suit itself is dismissed, there is no question of entertaining the Writ Petition and also the request for adjournment made by the learned counsel for the Petitioner.

5 Hence, the Writ Petition stands dismissed as infructuous.

(K. K. TATED, J.)