

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

WRIT PETITION NO. 711 OF 2015

Ramchandra Govind Devlekar and anr. ... Petitioners

Versus

Govind Sakharam Devlekar and others ... Respondents

.....
Mr. Sumit S. Kothari for Petitioners.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 06 , 2018**

P.C. :

1. This Writ Petition is directed against the order dated 7th October, 2014 passed by the learned Civil Judge, Junior Division, Khed below Exhibits 133 and 135 in Regular Civil Suit No. 84 of 2002. The petitioners are the original defendants.

2. The defendants have filed an application below Exhibit 133 praying for dismissal of the suit, but it was rejected on the ground of non-giving an opportunity to cross-examine the witness. So also, the defendants have sought permission to examine witness no.6 – Raghunath Khedekar and summons him accordingly.

3. The learned Counsel for the petitioners, on instructions, submits that witness no. 6 –Raghunath Khedekar has expired and, therefore, nothing remains in this Writ Petition. Hence, this Writ Petition has become infructuous.

4. In view of the above submission, the Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)