

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

**WRIT PETITION No.1938 OF 2013
WITH
CIVIL APPLICATION NO. 228 OF 2018
IN
WRIT PETITION NO. 1938 OF 2013**

Shri.Kisanrao Rambhau Gadakh

...Petitioner

Versus

Smt.Harnabai Tukaram Vedepatil
(since deceased through her legal
heirs being Nos. 2 to 6) & Ors.

...Respondents

.....

Mr.Sarwadnya S. Kadtane I/b. Mr. Kuldeep Nikam for the Petitioner.
Mr. Amit B. Borkar for Respondent Nos. 7 to 11.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 17, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. The petitioner is challenging the order dated 19th December, 2012 passed by the learned Civil Judge, Senior Division, Pune in Special Civil Suit No. 486 of 2009. This order was passed under Section 9A of the Code of Civil Procedure, 1908.

3. In view of the Maharashtra Ordinance No. XVIII of 2018 dated 27th June, 2018, saving clause 3 (2) and proviso thereto, hence this Petition abates and is disposed of as abated. If there is any other issue under Order 14 or any application under Order 7 Rule 11, the Court can proceed and decide.

4. It is made clear that pursuant to the Ordinance, if there is no enactment, then the learned Counsel for the petitioner is at liberty to move this Court for recall of this order.

5. Writ Petition is disposed of as such.

6. In view of disposal of Writ Petition, Civil Application does not survive and the same is accordingly disposed of.

(MRIDULA BHATKAR, J.)