

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7484 OF 2012

Bapulal S. Shah

..Petitioner

Vs.

Prabhavati S. Patne and Another

..Respondents

Mr. Bhushan K. Mandlik i/b S. S.Patwardhan, for the Petitioner.

Mr. Amit B. Borkar, for the Respondents.

CORAM :- **B.P.COLABAWALLA, J.**
DATE :- **DECEMBER 18, 2018.**

P. C.:

It appears that the Petitioner who was the original Plaintiff has expired and his heirs have not been brought on record. This being the position, the Suit itself had stood abated. In these circumstances, the learned counsel for the Petitioner states that nothing survives in this Writ Petition and prays that the same be disposed of as infructuous. It is accordingly so ordered.

2 The disposal of this Writ Petition shall not affect the

rights of the Petitioner to make an appropriate application before the Trial Court for setting aside the abatement of the Suit and which shall be decided on its own merits and in accordance with law. The Writ Petition is accordingly disposed of.

(B. P. COLABAWALLA, J.)