

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2625 OF 2016

A.B. Ghatge, through Its Prop.
Arun B. Ghatge, since deceased
through His L.Rs. & Ors.

...Petitioners

V/s.

Babu Miya Dairy Products through its
Prop. Mr.Mohammed S. Ali

...Respondent

Mr.P.M. Arjunwadkar for the Petitioners.
Mr.Anilkumar K. Patil for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 4TH SEPTEMBER, 2018.

P.C. :-

1. Heard learned counsel appearing for the parties. Mr.Patil, learned counsel for the respondent opposes this petition vehemently. However, in view of deletion of section 9-A of the Code of Civil Procedure, 1908, in my view this petition stands abated. The issue framed by the learned Trial Judge under section 9-A of the Code of Civil Procedure, 1908 may be tried as one of the issue along with other issues under Order XIV Rule 2 of the Code of Civil Procedure, 1908.

2. The writ petition is dismissed as abated with the aforesaid clarification.

Vasant
Anandrao Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.09.06
12:55:03 +0530

(R.D. DHANUKA, J.)