

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 WRIT PETITION NO.4783 OF 2016

NASRUDDIN MOHAMMAD ALI LAKHANI
VERSUS
LALITA VASANTRAO PAWAR

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Advocate for Petitioner : Mr. S.P.Salgar h/f Mr. Gaware N.V.
Advocate for Respondent : Mr. P. S. Burse.

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CORAM : V. K. JADHAV, J.
DATE : 18.11.2019

PER COURT :-

1. The learned counsel for the respondent, on instructions, submits that during the pendency of this Writ Petition, the original civil suit bearing R.C.S. No.668 of 2013 came to be dismissed in default on 11.11.2016 and till this date the petitioner herein / the original plaintiff has not filed any application for restoration of the suit. The learned counsel for the petitioner / original plaintiff, on instructions, admits the same. However, the learned counsel submits that the petitioner is likely to file an application for restoration of the suit. However, so far as this writ petition preferred against the order passed by the Trial Court on Exh.5 for issuance of

injunction and the order passed by the District Court in appeal, does not survive for the reason that as on today the suit instituted by the petitioner is not in existence.

2. Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-