

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

Second Appeal No. 0635 of 2013

District : Jalna

Madhukar Bander Rao Joshi,
Died through L.Rs.,

- A] Sunanda Madhukar Joshi,
Age : 70 years,
Occupation : Household.
- B] Prashant Madhukar Joshi,
Age : 50 years,
Occupation : Business.
- C] Shirish Madhukar Joshi,
Age : 47 years,
Occupation : Agriculturist.
- D] Shrikant Madhukar Joshi,
Age : 44 years,
Occupation : Agriculturist
& service.

All are residents of
Nariman Nagar,
Railway Station Road,
Jalna.

- E] Suchitabai w/o. Satish
Takarwankar,
Age : 48 years,
Occupation : Household,
R/o. Rahul Niwas,
Diwan Deodi, Aurangabad.

.. Appellants
(Original
plaintiffs)

versus

1. Bhaskar Venkat Rao Joshi,
Died through L.Rs.,

1-A] Mrs. Swati Milind Vazarkar,
Age : 40 years,
Occupation : Household work,
R/o. Ganeshnagar,
Near 'Y' Point,
Behind IIT, Nanded,
Dist. Nanded.

.. Respondents
[Original
defendants]

2. Shubhangi w/o. Bhaskar Joshi,
Age Major,
Occupation Household.

3. Hemant s/o. Bhaskar Joshi,
Age Major,
Occupation Service.

4. Sanjay s/o. Bhaskar Joshi,
Age Major,
Occupation Student.

All are residents of
Gandhi Chaman,
Near Shesh Maharaj Gondikar,
Double Gym, Old Jalna,
Jalna.

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*Mr. P.S. Paranjape, Advocate, holding for
Mr. R.J. Godbole, Advocate, for the appellants.*

*Mr. J.C. Badve, Advocate, for respondents
no.01 to 04.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 01ST APRIL 2019

ORAL ORDER :

01. Seen the order dated 14th March 2019.
Today, the matter was kept for taking instructions by
the learned Advocate appearing for the appellants, as
to whether the appellants intend to withdraw the

second appeal or want to go ahead with the matter. This was with the background that the suit was filed for injunction only and thereafter he has filed suit for partition and separate possession.

02. Learned Advocate appearing for the appellants submits that now interest of his client is protected as he has filed substantive suit and, therefore, this matter has practically become infructuous.

03. Taking into consideration the subsequent event of filing a substantive suit by the appellants and the present second appeal was challenging the order in respect of suit for injunction, definitely it has become infructuous and, therefore, the second appeal is disposed of accordingly.

(Smt. Vibha Kankanwadi)
JUDGE

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