

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

901 FIRST APPEAL NO.1384 OF 2004

MASTER AKASH SANJAY KULAL AND OTHERS
VERSUS
MRS.SHOBHA SANJAY KULAL

...

Advocate for Appellants: Shri P. B. Shirsath
Advocate for Respondent : Shri D. R. Korde

CORAM: V.L. ACHLIYA,J.

DATE: 05.12.2019

PER COURT :

1] Learned counsel representing the parties submit that by passage of time, the appeal has become *infructuous*. It is submitted that the appellant nos.1 and 2, who were minors, and presented the appeal through appellant no.3, now became major and no cause survives to prosecute the appeal.

2] By this appeal, the appellants have challenged the judgment and order dated 28.9.2004 passed in Miscellaneous Application No.160/2003. By the impugned judgment and order, the first appellate Court rejected the application moved by the appellants and allowed counter claim of the respondent. In terms of judgment and order, custody of appellant nos.1 & 2, who were then minors,

was ordered to be handed over to respondent.

3] By the passage of time, the appeal has become *infructuous* as the appellant nos.1 & 2 have attained the age of majority. In that view, nothing survives to prosecute the appeal. Hence, the appeal is disposed of as *infructuous*.

(V.L. ACHLIYA, J.)