

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

909 WRIT PETITION NO.10297 OF 2018

UDESING LUBHANSING PATIL ..PETITIONER

VERSUS

SURESH GANGARAM PATIL ..RESPONDENT

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Mr. Bhupendra P. Thakare, Advocate for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondent-State.

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CORAM : S. V. GANGAPURWALA, J.

DATED : 03rd JANUARY, 2019.

PER COURT:-

1. The matter was called out for second time. None appears for the petitioner. The petitioner is the original plaintiff. Application filed by the petitioner for temporary injunction is rejected. In spite of that the petitioner moved an application seeking police protection. The said application is rejected. The application of police protection is rejected on 26.07.2017. Thereafter the matter has not been moved before the Court.

2. The petitioner is not armed with an order of temporary injunction in his favour. No prohibitory order exist against respondent. On the contrary, when the application for temporary injunction is rejected, the Court has prima facie

not found the petitioner to be in possession.

3. The petitioner may proceed with the Suit expeditiously.

4. Writ Petition as such stands dismissed.
No costs.

(S. V. GANGAPURWALA)
JUDGE

1. Later on Mr. Thakare, learned counsel for the petitioner appears and submits that the petitioner has died on 18.09.2018.

2. On that ground the writ petition would stand abated.

3. The earlier order dismissing the writ petition shall be read as Writ Petition is disposed of as abated.

(S. V. GANGAPURWALA)
JUDGE