

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.11263 OF 2011**

Mansing Yadavrao Shinde

.. Petitioner

V/s.

Jagdeo Shripati Shinde and Ors.

.. Respondents

**WITH**

**WRIT PETITION NO.7212 OF 2016**

Mr.Jaydeep Raut I/b Mr.U.M.Zhaveri for the petitioner

Mr.R.N.Jawal for the respondent nos.1 and 2

Mr.R.P.Kadam, A.G.P. for the State

**CORAM: K.K. TATED, J**  
**DATED : JANUARY 15, 2019**

**P.C. :**

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner original plaintiff challenges the judgment dated 13.10.2011 passed by appellate court in Misc. Civil Appeal No.200 of 2010.

3 Advocate for the Respondent submits that during the

pendency of the present Writ Petition, Regular Civil Suit No. No.28 of 2010 already stands disposed of on 22.11.2013.

4 The learned counsel for the Petitioner submits that they already filed Application for restoration and same is pending for hearing on its own merits.

5 Considering the fact that as on today Regular Civil Suit No. 28 of 2010 stands dismissed, nothing survives in the present Writ Petition. At the most, liberty can be granted to the Petitioner to file fresh petition in case same is restored.

6 Hence, Writ Petition stands disposed of as infructuous.

7 Liberty granted to the Petitioner to file fresh Writ Petition for same cause of action in case Regular Civil Suit is restored on file for hearing on its own merits.

8 No order as to costs.

**(K.K. TATED, J.)**