

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

WRIT PETITION NO.4549 OF 2017

Maruti Krishna Lembhe

And Others

... Petitioners

Versus

Sagar Maruti Lembhe

And Others

... Respondents

.....

Mr. P.B. Gujar for the Petitioners.

None For the Respondents.

.....

CORAM : S.C. GUPTE, J.

DATE : 2 AUGUST 2019

P. C. :

. This writ petition challenges an order passed by 3rd Joint Civil Judge Junior Division, Koregaon in R.C.S. No.110 of 2019. The interim order was passed on an application (Exhibit-49) for taking DNA test of Plaintiff Nos.2, 3 and Defendant No.3 with a view to ascertain paternity of Plaintiff No.2. By the impugned order, the application was rejected. Pending the hearing and final disposal of this writ petition, by an order passed by Joint Civil Judge Junior Division, Koregaon on 5 January 2019, the suit itself came to be dismissed for want of prosecution. Learned Counsel for the Petitioners (original defendant nos.1, 2 and 5) tenders a copy of the order dated

5 January 2019. In view of the dismissal of the suit, the present writ petition rendered infructuous and is disposed of as such.

(S.C. GUPTE, J.)