

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

CIVIL REVISION APPLICATION NO.159 OF 2016

Venugopal Badrinarayan Tapadia
and Another

.. Applicants

V/s.

Vasant Annarao Jadhav & Ors.

.. Respondents

Mr.S.S.Shah for the applicants

Mr.R.S.Alange for the respondent no.1

CORAM: K.K. TATED, J
DATED : JANUARY 9, 2019

P.C. :

1 Heard.

2 By this Civil Revision Application, Applicants original defendants challenge the order dated 18.02.2016 passed by Joint Civil Judge, Junior Division, Solapur rejecting their Application below Exhibit-27 in Regular Civil Suit No. 1165 of 2015 under Order VII Rule 11(a)(d) of the Code of Civil Procedure, 1908 for dismissal of the Suit.

3 The learned counsel for the Respondent no.1 submits that by order dated 09.06.2017 suit stands abated. He submits that thereafter Respondent original plaintiff preferred Application

for restoration of Suit. In that, there was a delay. Hence, he preferred Application for condonation of delay. That was allowed. He submits that order of condonation of delay was challenged by the petitioner by filing Writ Petition (ST) No.371 of 2019. Same is pending for hearing on its own merits.

4 Considering these subsequent events, nothing survives in the present Civil Revision Application. At the most, liberty may be granted to the Applicant to revive his prayer for hearing of Civil Revision Application in case, Regular Civil Suit No. 1165 of 2015 is restored on file for hearing on its own merits.

5 Civil Revision Application stands disposed of as infructuous with liberty as prayed.

(K.K. TATED, J.)