

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

WRIT PETITION NO. 14007 OF 2016

Shri Khandu Nanabhau Pachpute & Ors.

...Petitioners

vs

Smt.Kantabai/Parvatibai Yashwant Bhokse,
since of unsound mind through next friend
Shri Shantaram Yashwant Bhokse & Ors.

...Respondents

Mr.Jaydeep Deo for Petitioners.

CORAM : S.C.GUPTE, J.

DATE : 17 JULY 2019

P.C. :

This writ petition challenges orders passed by Joint Civil Judge, Senior Division, Khed, Rajgurunagar, District Pune in Regular Civil Suit No.170 of 2014. The impugned orders are passed on (i) an application for appointment of guardian for prosecuting the suit on behalf of the plaintiffs and (ii) the defendants' application for dismissal of the suit for want of locus or authority. The impugned orders reject the defendants' application for dismissal of the suit and instead allow the Plaintiffs' application for appointment of guardian.

2 During the pendency of the petition, the suit has been heard by the trial court and dismissed on merits. Learned Counsel for the Petitioners produces a judgment and decree dated 20 June 2019 passed by the Joint Civil Judge, Senior Division, Khed, Rajgurunagar, District Pune.

3 In view of the disposal of the suit, the writ petition has been rendered infructuous and is disposed of as such. It is made clear that the

rights and contentions of the Petitioners so far as the controversy in the present petition is concerned, are kept open for being agitated in case the decree of dismissal passed in the suit is carried in appeal by the Respondents.

(S.C. GUPTE, J.)