

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 10603 OF 2017

Mr. Mohammed Shehzad Ansari

...Petitioner

Versus

Mohammed Ashraf Raza Siddiqui

And another

...Respondents

....

Mr. Anand Pande, Advocate for the Petitioner.

None for the Respondents.

....

CORAM : R. G. KETKAR, J.

DATE : 18th JUNE, 2019

P.C.

1. Heard Mr. Anand Pande, learned counsel for the petitioner.
2. This Petition takes exception to the order dated 5.12.2015 passed by the learned Judge, Court Room No.17 of the Court of Small Causes at Mumbai below Exhibit-15 in RAD Suit No.364/2015 as also the order dated 23.6.2016 passed by the Appellate Bench of the Small Causes Court at Mumbai. By these orders, the Courts below rejected the application made by the petitioner under Order I Rule 10 of Code of Civil Procedure, 1908.
3. Mr. Pande submitted that during pendency of the Petition, the suit is finally disposed of. The petition is, therefore, rendered infructuous. He submitted that liberty may be reserved to the petitioner to adopt appropriate proceedings.
4. In view thereof, the petition is disposed of as infructuous reserving liberty to the petitioner to adopt appropriate proceedings, if permissible in law. All contentions of the parties in that regard are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)