

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10481 OF 2017**

Kamal Marya Bari	Versus	...Petitioner
Arif Ibrahim Pavte & ors.		...Respondents

Mr. Sanjiv Sawant, for the Petitioner.
Mr. Sandeep V. Mahadik, for Respondent no.1.

CORAM: N. J. JAMADAR, J.

DATED : 15th OCTOBER, 2019

PC:-

1. Heard Mr. Sawant, the learned Counsel for the petitioner and Mr. Mahadik, the learned Counsel for respondent no.1.
2. Mr. Mahadik, the learned Counsel for respondent no.1 – plaintiff informs that S. C. Suit No.3410 of 2016, (wherein the petitioner herein had taken out Chamber Summons No.355 of 2017 for impleading him as a party defendant to the said suit and which was dismissed by the learned Judge by the order impugned herein) has itself been dismissed in default of appearance of the plaintiff. A copy of roznama, dated 18th June, 2019, is tendered for the perusal of the Court.
3. In view of dismissal of the suit, in which the petitioner had sought impleadment, nothing survives for consideration in this petition.

4. The learned Counsel for the petitioner, however, expressed an apprehension that, in the event, the said suit is restored to file, the petitioner will have to again assail the order impugned herein by filing the separate petition.

5. To take care of the aforesaid apprehension on the part of the petitioner, it would be in the fitness of things to direct that in the event Civil Suit No.3410 of 2016 is restored to file, respondent no.1 – plaintiff shall give an intimation thereof to the petitioner and, in that event, the petitioner will be at liberty to renew the prayers in this petition.

6. With the aforesaid observations, the petition stands disposed of.

[N. J. JAMADAR, J.]