

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

WRIT PETITION NO. 4352 OF 2006

Mehta Builders ...Petitioner

Versus

Mohanchandra Nathalal Desai ...Respondent

**WITH
CIVIL APPLICATION NO. 705 OF 2019
IN
WRIT PETITION NO. 4352 OF 2006**

Mehta Builders Thru Partner Shri ...Applicant
Lalchand Bikchand Mehta

Versus

Mohanchandra Nathalal Desai ...Respondent

Rati S. Sinhasane i/b V. R. Mankapure- Advocate for the
petitioner.
None for the respondent.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 4th SEPTEMBER 2019.

P.C. :

The petitioner is the landlord. The respondent is or was the tenant. Initially, the petitioner filed Civil Suit No. 171 of 1997 and succeeded through judgment dated 16.12.2001. Then,

the respondent-tenant filed RCA No. 39 of 2002, before the District Judge, Sangli. Through judgment dated 8.10.2005, the Appellate Court allowed the Regular Civil Appeal. Aggrieved, the petitioner-landlord filed this Writ Petition.

2. This Court, on 10th July 2006, issued the Rule. Besides that, the record also reveals that the respondent has been served with the notice in this Writ Petition. But all through, in the last 13 years, none has appeared for the respondent.

3. Now, the petitioner's counsel informs the Court that as the building became decrepit, the Corporation has already demolished it. That is, the suit subject has vanished. Now the respondent lives elsewhere. So she contends that the Writ petition has become infructuous because of the later developments.

To bring the respondent's version on record, I find none representing him. He has chosen not to appear, despite service of notice. As a result, taking note of the submissions advanced by the petitioner's counsel, I close this Writ Petition. Accordingly, Civil Application also stands disposed of.

[DAMA SESHADRI NAIDU, J.]