

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12150/2013

Kishore Kumar Thabjula

... Petitioner

V/s.

Prithvipal Gurcharamsingh Sehmbey & Ors. ... Respondent s

Mr. Mohil Punjabi I/b Sanjay Gawde for the Petitioner

CORAM: K.K. TATED, J.

DATED : FEBRUARY 22, 2019

P.C. :

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner - Defendant challenges the order dated 20.09.2013 passed by the Civil Judge, Senior Division, Pune below Exhibit- 19 in Special Civil Suit No. 2025/2011.

2 The learned counsel for the Petitioner submits that during pendency of the Writ Petition, Special Civil Suit No. 2025/2011 itself came to be dismissed for non prosecution vide order dated 15.11.2016. To that effect he has placed on record a photocopy of the enquiry report. Same is taken on record and marked "X" for identification.

3 The learned counsel for the Petitioner submits that in view of the subsequent development, nothing survives in the Writ

Petition. He further submits that the Petitioner may be granted liberty to file a fresh petition in case the said suit is restored to file for hearing on merits. Liberty granted.

4 Hence, following order is passed:

- a. The Writ Petition stands disposed of as infructuous.
- b. Liberty granted to Petitioner to file a fresh petition for the same cause of action in case the Special Civil Suit No. 2025/2011 is restored to file on hearing on merits.
- c. No order as to costs.

(K. K. TATED, J.)