

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.208/2018

Anil Baburao Patole & Ors.

... Petitioners

V/s.

Samson Balid & Ors.

... Respondents

Mr. Rajesh B. Parab for the Petitioners

Mr. Mahendra M. Agavekar for Respondent Nos.1 to 6, 8 and 9.

CORAM: K.K. TATED, J.

DATED : FEBRUARY 22, 2019

P.C. :

1 Heard. By this petition, the Petitioner – Plaintiff challenges the order dated 27.10.2017 passed by the Civil Judge, Junior Division Ulhasnagar below Exhibit- 24 in Regular Civil Suit No. 337/2016 holding that the rejoinder placed on record at Exhibit- 22 by the Petitioner – Plaintiff will not be considered as a part and parcel of the record.

2 Both the counsel submit that during the pendency of the Writ Petition, the subject suit itself is decided on merits.

3 The learned counsel for the Petitioner submits that they have already preferred an appeal before the appellate court and the same is pending on merits. He further submits that in case, he succeeds in the appeal, liberty be granted to the Petitioner – Plaintiff to challenge the impugned order dated 27.10.2017 below Exhibit- 24. Liberty granted.

4 In view of the subsequent development, nothing survives in the Writ Petition. Same stands dismissed as infructuous. No order as to costs.

(K. K. TATED, J.)