

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5054 OF 2014

Dr Ishwar Dadaji Kurhekar
-vs-
Bhaskar Krishnarao Gaurshettiwar and ors.

WITH

SECOND APPEAL NO.367 OF 2017

Dr Ishwar Dadaji Kurhekar
-vs-
Bhaskar Krushnarao Gaurshettiwar

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. S. Kurekar, Advocate for petitioner/appellant.
Shri A. Kulkarni, Advocate with Shri Anand Parchure,
Advocate for respondent No.1 in W.P.No.5054/2014 and
for respondent in S.A.No.367/2017.
Shri S. Bissa, Assistant Government Pleader for
respondent Nos.2 and 3 in W.P. No.5054/2014.

CORAM : A.S.CHANDURKAR, J.

DATE : July 29, 2019

Shri R. S. Kurekar, learned counsel for the petitioner/appellant submits that in view of subsequent events namely, the building in question having collapsed on 02/09/2013 and the fact that in the year 2014 the respondent/landlord has sold off the suit property, the present proceedings are rendered infructuous.

Shri A. Kulkarni, learned counsel for the respondent No.1 does not dispute the sale of the suit property. He, however submits that the respondent is entitled to claim mesne profits on account of illegal occupation by the petitioner/appellant after the

decree for eviction.

In view of the subsequent developments referred to above both the proceedings are disposed of as having been rendered infructuous. The respondent has already been given liberty to claim mesne profits in the decree passed by the trial Court. The respondent is free to pursue his claim for grant of mesne profits. No costs.

JUDGE