

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3062/2017

Nana R. Nagolkar

..VS..

Murlidhar Sansthan

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 11/06/2019

Shri N. D. Borkar, Advocate appearing for the petitioner and Shri N.R. Tekade, Advocate appearing for the respondent state that the civil suit in which the impugned order was passed, is dismissed in default and the application filed by the plaintiff for restoration of the civil suit is also dismissed, however, the appeal is pending before the District Court.

The position in law is that the civil suit is not on the file of the Court and hence, in my view, it would not be proper to examine the legality of the impugned order as at this stage, it would be an exercise in futility.

Hence, the writ petition is **dismissed** as infructuous. In the circumstances, the parties to bear their own costs.

The petitioner will be at liberty to file fresh petition to challenge the order which is challenged in this petition, if the civil suit is restored.

JUDGE