

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3491 OF 2003
WITH
CA NO.9255 OF 2003 IN WP NO.3491 OF 2003

BHAGUBAI BAPU CHOUDHARI
VERSUS
MATHURABAI SHIVAJI PATIL & OTHERS

...
Advocate for Petitioner : Mr. Bhandari Anand P.
Advocate for Respondents : Mr. S.S. Kazi

...
WITH
CA NO.11000 OF 2005 IN WP NO.3491 OF 2003
WITH
CA NO. 9291 OF 2007 IN WP NO.3491 OF 2003

...
CORAM : V.K. JADHAV, J.
Dated : March 09, 2020

...

PER COURT :-

1. Heard both sides.
2. It appears that during pendency of this writ petition, petitioner/original defendant no.11 died. During the pendency of the suit, respondent/plaintiff had moved an application seeking directions to call defendant no.11 for the purpose of the cross examination, in view of the affidavit dated 9.10.2001 filed by him before the Trial Court in support of his

aaa/-

application seeking restoration of the application filed for rejection of the plaint. After death of defendant no.11, this writ petition has become infructuous, however, the learned counsel for the petitioner (L.Rs. of the deceased petitioner) submits that said application seeking restoration of the application filed for rejection of the plaint is still pending before the Court. In view of the same, Trial Court shall decide the said pending application, on its own merits, without getting influenced by the order passed in this writ petition. Writ Petition is disposed off as it has become infructuous. Rule discharged. Trial Court shall decide the suit which is of the year 1998, as expeditiously as possible, preferably within a period of SIX MONTHS from the date of this order. Parties shall co-operate the Trial Court for disposal of the suit in a time bound manner as directed. All pending civil applications stand disposed off.

(V.K. JADHAV, J.)

...