

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.4362 OF 2007

SITARAM MANIK THAKUR
VERSUS
KRUSHNADAS CHHAGANLAL WANI

.....
Advocate for Petitioner : Mr. M.S. Shah h/f Mr. S P Brahme
Advocate for Respondents : Mr. Hanumant P. Jadhav h/ Mr. A.K. Tiwari
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CORAM : V. K. JADHAV, J.
DATED : 11th FEBRUARY, 2020

PER COURT:-

1. Learned counsel for the petitioner submits that during pendency of this writ petition, the appeal preferred by the petitioner-original defendant bearing Regular Civil Appeal No. 51 of 2007 came to be disposed of on 28.11.2018. Being aggrieved by partly decreeing of the suit filed by the respondent-plaintiff, the petitioner-defendant has preferred an appeal bearing Regular Civil Appeal No. 51 of 2007 and pending the appeal, filed an application Exh.5 for staying effect of the decree to the extent of delivery of possession. Since the said application Exh.5 came to be rejected by the District Judge in the pending appeal, the petitioner-defendant has preferred this writ petition.

2. In view of disposal of Regular Civil Appeal No. 51 of 2007, this writ petition has become infructuous and disposed of accordingly. Rule discharged.

(V. K. JADHAV, J.)