

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

WRIT PETITION NO.4845 OF 2009

MAHENDRA @ ABASAHEB S/O. SONYABAPU SHETE
AND OTHERS.

VERSUS

RAMESH S/O. EKNATH DUDHADE

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Advocate for Petitioners:Mr. Y R Neb h/f Dhorde V.R.

Advocate for Respondent : Mr. Bajaj Anil S.

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CORAM : V.K. JADHAV, J.

Dated: February 20, 2020

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PER COURT :-

1. Learned counsel Mr.Neb holding the brief of Advocate Mr.Dhorde appearing for the petitioner, on instructions in writing from the briefing Advocate, submits that during pendency of this writ petition, the matter has been amicably settled between the parties and in terms of the said compromise, the suit bearing R.C.S. No.239 of 2005 came to be disposed off. Said communication in writing is taken on record and marked 'x' for identification.

2. The respondent/plaintiff has filed an application Exh.89 for amendment in the plaint. By the

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impugned order dated 6.7.2009, the Trial Court has allowed the said amendment application. The petitioners/defendants have thus preferred this writ petition. By order dated 27.7.2009 while granting Rule, this Court has granted interim relief in terms of prayer clause 'C' and, as such, the effect and execution of the impugned order dated 6.7.2009 passed by the Trial Court below exh.89 has been stayed only. It thus appears that further proceedings in the suit were not stayed. Even, as per the office note, during the pendency of this writ petition, said suit came to be disposed off on 21.12.2013.

3. In view of the above submissions, this writ petition has become infructuous and accordingly disposed off. Rule discharged.

(V.K. JADHAV, J.)

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