

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

908 WRIT PETITION NO.5918 OF 2007

HIRALAL SAKHARAM SHINDE AND OTHERS
VERSUS
ARVIND AIDANMAL JAIN AND ANOTHER

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Advocate for Petitioners : Mr. M.H.Shaikh h/f Mr. P. S. Dighe.
Advocate for Respondents : Mr. V. K. Sarosiya.

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CORAM : V. K. JADHAV, J.
DATE : 11.03.2020

PER COURT :-

1. The learned counsel for the petitioners-original defendants submits that during pendency of this Writ Petition, the respondents-plaintiffs have filed the pursis Exh.102 for withdrawal of the suit and by order below Exh.1, dated 18.07.2014, the Trial Court allowed the suit to be withdrawn and closed the proceeding. The learned counsel submits that the Trial Court was pleased to grant temporary injunction in Regular Civil Suit No.108 of 2007 instituted for the decree of perpetual injunction and the said order was confirmed by the District Court, vide impugned order dated 29.09.2007. This Writ Petition has been preferred by the original defendants.

The learned counsel submits that since suit is withdrawn during the pendency of this Writ Petition, this Writ Petition has become infructuous.

2. In view of the submissions above, this Writ Petition is hereby dismissed as infructuous and accordingly disposed off.

3. Rule discharged.

(V. K. JADHAV, J.)

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vmk/-