

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

CIVIL APPLICATION (CAW) NO.732 OF 2020

IN

WRIT PETITION NO.1397 OF 2015

Bapurao s/o Govinda Gaikwad (Dead) through L.Rs. Smt Kalawati wd/o Bapurao
Gaikwad and others.

..VS..

Sau. Mainabai w/o Maroti Pal.

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

Court's or Judge's orders

None for the petitioners.

Shri N.A. Vyawahare, counsel for the respondent.

CORAM : AVINASH G. GHAROTE, J.

DATED : 10/12/2020

None appears for the petitioners when called in spite of the pass over, Shri Vyawahare, learned counsel for the respondent sole was present in the first call, however, when the matter is called on pass over he is absent.

The petition challenges the order dated 22.01.2015, passed below Exhibit 119 by the 2nd Joint Civil Judge Junior Division, Umred, District Nagpur in Regular Civil Suit No.214 of 2012. By the Civil Application No.732 of 2020, the petitioners seek to withdraw the petition on the ground as stated in para 6, that the suit, from an interim order of which the petition

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25.CAW.732.2020

arises, itself has been dismissed on 15.07.2019. The statement as contained in the Civil application No.732 of 2020 is on oath by the petitioner 1-b, and has been signed by all the petitioners and their counsels.

Considering the same there does not appear any reason for the continued pendency of the present petition, which has been rendered infructuous, due to the decision of the suit itself. The petition is therefore permitted to be withdrawn for the above reason.

Civil Application is accordingly allowed.

In the result, the Writ Petition No.1397 of 2015 stands disposed of, as withdrawn on account of decision of the suit itself.

JUDGE

Sarkate