

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO.5358 OF 2020

AZMODDIN ISMAIL SHAIKH
VERSUS
TRIMBAK VITHALRAO DOLARE

...
Advocate for Petitioner : Mr. Kolpe Mahendra B.
Advocate for Respondent : Mr. M.U.Shelke
...

CORAM : N. B. SURYAWANSHI, J.

DATE : 1st December, 2021

PER COURT :

. This petition impugns the order dated 21-01-2020, passed by the learned Joint Civil Judge, Senior Division, Osmanabad, below Exhibit-11 in Regular Darkhast No.19-2019.

2. When this petition was called out for admission hearing, the learned advocate for the Respondent submits that, the decree is executed and the Regular Darkhast is, therefore, disposed of. He pointed out the sale deed executed in favour of the Decree Holder/Respondent by representative of the Civil Judge, Senior Division, Osmanabad dated 11-06-2020. Pursuant to the execution of the said sale deed, by order dated 09-04-2021, the execution proceeding was disposed of. Certified copy of

the order passed below Exhibit-1 in Regular Darkhast No.19/2019 dated 09-04-2021 is placed on record. In view of disposal of the said Regular Darkhast, nothing survives in the present petition.

3. The learned advocate for the Petitioner, however, insisted for hearing him on merits. Taking into consideration the fact that, the execution proceeding is already disposed of. The Writ Petition has become infructuous and therefore, it is not necessary to hear the learned advocate for the Petitioner on merits.

4. Writ Petition is disposed of as infructuous.

(N. B. SURYAWANSHI, J.)

Sameer