

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 896 OF 2019

**ALONG WITH
CIVIL APPLICATION NO. 1068 OF 2019
IN
APPEAL FROM ORDER NO. 896 OF 2019**

Namdeo Sakharam Pawshe .. Appellant

Vs.

M/s. Pragati Constructions & Ors. .. Respondents

.....

None for the appellant

Mr. Mohammed Umar Z. Kazi for the respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 20th JANUARY, 2021
(Through Video Conferencing)

P.C.

1. The certified copy of the order of dismissal passed in Special Civil Suit No. 266 of 2018 by the 6th Civil Judge, Senior Division, Kalyan on 15th October, 2019 is filed on record.

2. It appears that the learned Civil Judge Senior Division, Kalyan has dismissed the suit for the reasons that despite framing the issues and placing the matter for filing an affidavit in lieu of examination-in-chief, the plaintiff has not proceeded further and, therefore, the suit was dismissed with no order as to costs.

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3. Mr. Kazi, the learned Counsel for the respondent submits that till today there is no application for setting aside the dismissal by the appellant – plaintiff.

4. The Appeal from Order does not survive as it has become infructuous and hence stands disposed of.

5. In view of disposal of the appeal, the civil application is also disposed of.

(PRITHVIRAJ K. CHAVAN, J.)