

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 982 OF 2003

Smt. Anusuyabai Ganpat Ramji Ghare ...Petitioner

Vs.

Smt. Gojabai Chindu Kedari
(since decease) ...Respondents

Mr. R. A. Shaikh a/w. Mr. Hasan Sayed, Advocate for the Petitioner.

Mr. V. S. Kapse, Advocate for the Respondent No.1A & 1C.

CORAM : A. S. GADKARI, J.
DATE : 30th NOVEMBER, 2021.

P.C.:-

Mr. Kapse, learned Counsel for the Respondents have moved the praecipe dated 26th November 2021 seeking dismissal of Writ Petition on the ground that it stands abated due to the demise of sole Petitioner in the year 2018.

2 Mr. Shaikh, learned Counsel for the sole Petitioner concedes with the fact of demise of sole Petitioner and submitted that, there is no legal heir to the Petitioner, who can be brought on record.

3 In view of the fact that, the sole Petitioner has expired in the year 2018, the present Petition stands abated and is accordingly disposed of.

4 At this stage, Mr. Shaikh, learned Counsel for the Petitioner submitted that, the Petitioner had deposited advance rent amount towards the rent of suit premises up to April 2022. He fairly submitted that, the Respondents may be permitted to withdraw the said amount unconditionally.

5 In view thereof, Respondents are permitted to withdraw the said amount deposited by Petitioner unconditionally.

(A.S. GADKARI,J.)

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