

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO.792 OF 2019
WITH
INTERIM APPLICATION NO. 3909 OF 2019**

Ajit Ramdhani Gupta ... Appellant/Applicant
V/s.
Monty Gola and Anr. ... Respondents

**WITH
CIVIL APPLICATION NO.1226 OF 2019
WITH
INTERIM APPLICATION NO.348 OF 2019
IN
APPEAL FROM ORDER NO.792 OF 2019**

Ajit Ramdhani Gupta ... Applicant
V/s.
Nupur Robin Bose (since deceased)
1(a) Mr.Monty Gola and Anr. ... Respondents

Mr.Vinod S. Pandey i/b. S.U. Pandey for Appellant/Applicant.
Mr. Gaurav Parkar for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 17th September, 2021.

PC. :

1. Mr.Parkar, learned counsel appearing for Respondent No.2, on instructions submitted that, the Respondent No.1 is no more. He further submitted that, the Respondent No.2 is not interested in contesting S.C. Suit No.2704 of 2018 filed by the Appellant, as the Respondent No.2 is not in

physical possession of the suit structure i.e. Sandwich Counter admeasuring 3' x 3' sq.ft. situated on the ota/varanda of the hotel premises or any other portion of the said hotel, more particularly described in the plaint.

2. In view thereof, nothing further survives in the present Appeal, as the suit itself i.e. S.C. Suit No.2704 of 2018 has been worked out.

Appeal is accordingly disposed off.

3. In view of disposal of present Appeal, Interim Application No.3909 of 2019, Civil Application No.1226 of 2019 and Interim Application No.348 of 2019 do not survive and are accordingly disposed off.

[A.S. GADKARI, J.]

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