

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 1408 OF 2003

Smt. Nirmalabai Lahu Mahajan

...Petitioner

Versus

Prakash s/o Santosh Mahajan & Anr.

...Respondents

.....

Mr. Y. R. Neb h/f Mr. V. R. Dhorde & Mr. S. P. Salgar h/f Mr. N. V. Gaware, Advocate for the petitioner

Mr. A. P. Shah, Advocate for respondent no. 1

Mr. Dhananjay Deshpande, Advocate for respondent nos. 2A to 2E

.....

AND

CIVIL APPLICATION NO. 6380 OF 2013

IN

WRIT PETITION NO. 1408 OF 2003

CIVIL APPLICATION NO. 6381 OF 2013

IN

WRIT PETITION NO. 1408 OF 2003

CORAM : BHARATI H. DANGRE, J.

DATE : JANUARY 4TH, 2022

PER COURT : -

1. At the outset, the appearance of Advocate Mr. V. R. Dhorde and Advocate Mr. N. V. Gaware is dispensed with since it is informed that the brief has been returned to the client.

2. Heard learned Counsel for the respondent no. 1, who has taken out a pursis seeking disposal of the writ petition in view of the subsequent developments to the effect that the Special Civil Suit No. 117/2001 disposed of being dismissed in default vide Order-IX, Rule 8 of the Civil Procedure Code. The respondent no. 1-plaintiff had instituted another Reg. Civil Suit No. 92/2001, before the Civil Judge Senior Division, Pachora and in the wake of the aforesaid, an application was filed under Section 10 of the Code of Civil Procedure seeking stay of the suit. However, since the application was rejected, the present writ petition was filed.

3. In the wake of the disposal of the Special Civil Suit No. 117/2001, the submission advanced is the writ petition has been rendered infructuous. In the wake of the withdrawal of power by the counsel for the petitioner on record, I have perused the copy of the writ petition with the assistance of the learned counsel for the respondent no. 1, along with the pursis filed by him. In the wake of the statement made in the pursis to the effect that the Special Civil Suit No. 117/2001 has been disposed of, the statement made by respondent no. 1 to the effect that the petition has been rendered infructuous, is accepted.

4. My attention is also invited to order dated 23.07.2003, whereby while issuing Rule, the hearing of Reg. Civil Suit No. 92/2001 was stayed. In the wake of the disposal of the Special Civil Suit No. 117/2001, the hearing in Reg. Civil Suit No. 92/2001 can proceed. In the wake of the aforesaid, the writ petition stands disposed of as infructuous by vacating the interim relief granted while issuing Rule in the petition.

5. In view of disposal of writ petition, nothing survives for consideration in the connected civil applications and same stand disposed of accordingly.

[BHARATI H. DANGRE]
JUDGE