

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO. 4589 OF 2020

SANTOSHKUMAR AVTARKRISHNA KAUL
VERSUS
ZILLA PARISHAD JALGAON THROUGH
THE CHIEF EXECUTIVE OFFICER AND OTHERS

...
Advocate for Petitioner : Mr. Bhokarikar Madhav M.
...

CORAM : MANGESH S. PATIL, J.
DATE : 7 JUNE 2022

PC :

Heard learned advocate Mr. Bhokarikar for the petitioner who had suffered a money decree and was seeking order to stay the execution of the decree but his request was turned down by the executing Court by the order under challenge in this petition.

2. Mr. Bhokarikar, on instructions, submits that even though the execution was preferred, simultaneously, a substantive appeal was preferred challenging the selfsame decree in the form of regular civil appeal no. 924 of 2012. By the judgment and order dated 17-09-2021, the appeal has been allowed and the suit has been remanded for fresh trial. He, therefore, submits that since the decree is no more in existence, the petition becomes *infructuous* and may be disposed of.

3. In view of the statement, the writ petition is disposed of.

[MANGESH S. PATIL]
JUDGE

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