

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

WRIT PETITION NO. 13448 OF 2021

Vatsalabai Sahebrao Kadlag .. Petitioner

Versus

Maruti Bala Surve
Since deceased through L.Rs.
Parvatabai Maruti Surve
Since deceased through L.Rs.
Bhaskar Maruti Surve and others .. Respondents

Shri Shivraj V. Deshmukh, Advocate for the Petitioner – absent.
Shri D. A. Bide, Advocate for the Respondent No. 3.

**CORAM : SANDEEP V. MARNE, J.
DATE : 17TH OCTOBER, 2022.**

FINAL ORDER :

. When the matter is called out for hearing none is present for the petitioner.

2. Mr. Bide, learned counsel for the respondent No. 3 submits that the petitioner has challenged order dated 21.10.2021, by which the District Judge Sangamner has allowed application for stay of execution of decree passed in R.C.S. No. 57 of 2003. He submits that during pendency of present petition, the District Court has set aside that decree and has remanded the suit for fresh trial by its order dated 29.07.2022 passed in R.C.A. No. 43 of 2018. He would submit that the decree dated 02.07.2009 in R.C.S. No. 57 of 2003 is no longer in existence and cannot be

executed.

3. It appears that the petition has become infructuous. Same is disposed of without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22