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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 18178 OF 2022
IN
WRIT PETITION NO. 8769 OF 2009

Prakash Bapuso Herwade ... Applicant

In the matter between

Shantinath Bapuso Herwade ... Petitioner
Vs.
Prakash Bapuso Herwade ...Respondent

Mr. Manoj Patil i/b. Umesh R. Mankapure, Advocate for the Applicant and for Respondent in WP No. 8769 of 2009

Mr. Makarand Kale i/b. Yogesh Sankpal for Advocate for the Respondent No.1

CORAM : SANDEEP K. SHINDE, J.

TUESDAY, 20TH SEPTEMBER, 2022.

P.C. :

1. Mr Patil, learned counsel for the Applicant, on instructions, submits that the suit itself is rendered infructuous since the cause of action does not survive, and therefore

Petition, be disposed of. If that be so, Applicant-Original Defendant may move appropriate application, for dismissal of the suit itself. In case, such an application is filed, the trial Court shall decide the application on merits.

2. Interim application is disposed of accordingly.

(SANDEEP K. SHINDE, J.)