

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.330/2023

VIJAY P. SAWARDEKAR

... PETITIONER

Versus

**SUBASH HARI DHEKNE AND 16
ORS.**

... RESPONDENTS

Mr Abhishek Sawant, Advocate for the Petitioner.

Mr Deep Shirodkar, Advocate for Respondent No.8.

Mr A. D. Bhobe with Ms A. Fernandes, Advocates for
Respondent No.15.

CORAM: M. S. SONAK, J.

DATED: 4th NOVEMBER 2023

P.C.:

1. Heard Mr Abhishek Sawant for the petitioner, Mr Deep Shirodkar for respondent no.8 and Mr A. D. Bhobe for respondent no.15.

2. The challenge in this petition is to the order dated 08.05.2023 passed by the learned Civil Judge, Senior Division, 'B' Court at Mapusa in Special Civil Suit No.38/2011 denying the petitioner/plaintiff leave to amend the plaint.

3. In the meantime, by Judgment and Decree dated 15.07.2023, the learned Trial Judge has dismissed the Special Civil Suit No.38/2011. Therefore this petition is rendered infructuous. Incidentally, the petitioner has instituted First Appeal No.1632/2023 to challenge the final decree made in Special Civil Suit No.38/2011. This appeal was admitted today and further, leave is also granted to the petitioner to challenge the order dated 08.05.2023 which is impugned in this petition. Thus, disposal of this petition, will not, in any manner prejudice the petitioner.

4. Accordingly, this petition is disposed of but with liberty to the petitioner to pursue the challenge to the order dated 08.05.2023 which is impugned in this petition, in First Appeal No.1632/2023 (F), for which leave is already granted.

5. This petition is accordingly disposed of with liberty as above.

M. S. SONAK, J.