

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5824 OF 2017

Fulabai Bhagwan More

....Petitioner

V/S

Mahesh Chandrakant Sanagar & Ors.

....Respondents

...

None for the Petitioner.

None for the Respondent.

...

CORAM: SANDEEP V. MARNE, J.

DATE : AUGUST 17, 2023.

P.C.:

1 When this Petition was listed on 16 June 2023, following order was passed:

"1. The learned counsel for the Petitioner submits that the sole Petitioner has died during the pendency of the Petition. This Petition is filed in the year 2017 challenging the judgment and order dated 16 November 2016 passed by the Ad-hoc District Judge 4, Solapur in Civil Misc. Appeal No. 133 of 2016. The said Civil Misc. Appeal was filed challenging the order dated 27 September 2016 passed by the Trial Court rejecting temporary injunction against the defendant. The District Court, while allowing the Appeal, has granted limited relief restraining defendant from creating any third-party rights in the suit property. By now, period of about seven long years has elapsed, during which time the limited injunction granted by the District Court has been operational. It appears that though the Petition is filed in the year 2017, the same was not moved except once on 21 September 2017. It is questionable whether anything would survive in the present Petition.

2. *Upon being asked, the learned counsel for the Petitioner is unable to state the exact stage of the Suit. He prays for time.*
3. *The petition has already abated. The exact date of death of the Petitioner is unknown. Purely, by way of indulgence, one last opportunity is granted to the Petitioner to take necessary steps.*
4. *It is made clear that if before the next date of hearing, no steps are taken, the Petition would stand dismissed as abated.*
5. *Stand over to 17 July 2023."*

2 Today none appears for the Petitioner. No steps are taken to bring on record legal heirs of the sole Petitioner who has died during pendency of the Petition. The Petition has already abated. It is accordingly dismissed.

(SANDEEP V. MARNE, J.)