

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.165 OF 2020
WITH
INTERIM APPLICATION NO. 46 OF 2020**

Rashid Amir Tamboli ...Appellant

V/s.

Shantaram Narayan Raut ...Respondent

Mr. M.G. Bagkar i/by Pranita P. Hingmire for
Appellant.

Mr. Sagar Kasar i/by Mr. Rahul Motkari for
Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATE: 24th July 2023

P.C.:

1. Heard Mr. Bagkar, learned Counsel appearing for the Appellant and Mr. Kasar, learned Counsel appearing for the Respondent.

2. It appears that on 28th January 2020, the matter was heard by a learned Single Judge and the same was adjourned to 3rd February 2020 for withdrawal of the Second Appeal.

3. Thereafter on 4th February 2020, the learned Single Judge recorded statement of learned Counsel appearing for the

Appellant that written undertaking has been filed in this Court that the suit premises would be vacated by 3rd August 2020.

4. Both the learned Counsel state that the possession of the suit premises has been handed over by the Appellant to the Respondent on 9th March 2021. The possession receipt executed before the Bailiff of the learned Civil Court, Niphad dated 9th March 2021 is taken on record and marked "X" for identification.

5. Mr. Bagkar, learned Counsel appearing for the Appellant states that the Second Appeal has become infructuous. Accordingly the Second Appeal is dismissed as it has become infructuous and therefore nothing survives in the Interim Application, and the same is also dismissed.

6. The Office is directed to pay rent, if any, deposited by the Appellant in this Court with accrued interest, if any, to the Respondent.

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(MADHAV J. JAMDAR, J.)