

VRJ

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

WRIT PETITION NO.364 OF 2010

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Abdul Rauf Mohamudmiya Majid

... Petitioner

V/s.

Masuda Gafur Majid & Ors.

... Respondents

Mr. Akshay J. Kondarkar i/by Mr. Rajesh S. Datar for
the petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 3, 2023

P.C.:

1. Learned advocate for the petitioner has placed on record order dated 18th February 2019 dismissing R.C.S. No.20 of 2006 for non-prosecution. The present writ petition arises out of interlocutory order passed in the said suit. In view of dismissal of the suit for non-prosecution, the petition is rendered infructuous.
2. Learned advocate for the petitioner states that he had issued a communication to the petitioner which envelope is returned with the remark "petitioner has died".
3. Therefore, the writ petition is disposed of as infructuous. However, in future if the suit is restored, it will be open for either the petitioner or his legal representative to file application for restoration of petition.

(AMIT BORKAR, J.)