



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 148 OF 2016

WITH

CIVIL APPLICATION NO. 203 OF 2016

IN

APPEAL FROM ORDER NO. 148 OF 2016

Shri Chandan Ram Sumaya

.....Appellant

Vs.

Ram Udham Sumaya and Others

.....Respondents

Mr. Rugved R. Kinkar i/b. Mr. Drupad S. Patil, Advocate for the Appellant.

None for the Respondents.

CORAM : GAURI GODSE, J.

DATE : 4th SEPTEMBER, 2023

P.C.

1. Learned counsel appearing for the appellant submits that by the impugned order, the Notice of Motion taken out by the appellant/original defendant seeking injunction was dismissed. He on instructions submits that the suit is dismissed for default on 20th April 2023. In view of the dismissal of the suit, present Appeal from Order has become infructuous.

2. Learned counsel further submits that in the event the suit is restored, liberty may be granted to revive this appeal.

3. Appeal from Order is disposed as infructuous.
4. It is made clear that in the event the suit is restored, it will be open for the appellant to apply for revival of this appeal.
5. Pending Civil Application also stand disposed of as infructuous.

[GAURI GODSE, J.]