

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8143 OF 2016

Shri. Rohit Suresh Kumtha

.. Petitioner

v/s.

Shri. Gauresh Suresh Kumtha

Through its Constituted Attorney

Shri. Jayprakash V. Lande

.. Respondent

...

Mr. T.D. Deshmukh, Advocate for the Petitioner.

...

CORAM : SANDEEP V. MARNE, J.

DATED : JULY 21, 2023.

P.C. :

1. The learned Counsel for the Petitioner submits that the petition has become infructuous in view of the fact that the suit itself has been finally decided on March 2, 2020. He would submit that, since the order directing the suit to proceed *ex-parte* is under challenge in the present petition, Petitioner's remedy to raise all issues with regard to the said challenge be left open under Section 105 of the Code of Civil Procedure. With liberty as prayed for, Writ Petition is disposed of as infructuous.

**NEETA
SHAILESH
SAWANT**

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(SANDEEP V. MARNE, J.)