

Dusane

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

**WRIT PETITION NO.8581 OF 2023
WITH
WRIT PETITION NO.8583 OF 2023
WITH
WRIT PETITION NO.8592 OF 2023**

Ramavtar Fakir Pancham

...Petitioner

V/s.

Darbhangha Mansion Co-op. Housing Society Ltd.
...Respondent

Mr. Piyush A. Singh for Petitioner.

Mr. Jamshed Master, Counsel a/w Mr. Chirag Sarawagi, Riya Thakkar i/by Mr. Tushar Goradia for Respondent.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 14th July 2023**

P.C.:

1. Mr. Jamshed Master, learned Counsel appearing for the Respondent states that the dispute between the parties is settled in terms of the consent terms, which were filed before the learned Appellate Court of the Small Causes Court at Mumbai in P. Appeal No. 48 of 2018. He states that accordingly appeal itself has been disposed of in terms of the consent terms.

2. He further states that as far as these Writ Petitions are concerned, the challenge is to the orders passed in execution proceedings. He states that as the said appeal itself has been disposed of, nothing survives in these petitions and have become infructuous.

3. All these Writ Petitions were listed before the Court as the learned Advocate appearing for the Respondent is constrained to move the matter, as the Petitioner, who has agreed to withdraw the Writ Petitions has not taken further steps.

4. Learned Counsel appearing for the Respondent also states that the possession of the suit premises has been recovered from the Petitioner.

5. Mr. Piyush Singh, learned Counsel appearing for the Petitioner states that inspite of contacting the Petitioner on number of occasions, the Petitioner is not giving any instructions. Accordingly, the Writ Petitions are dismissed as infructuous and also for non-prosecution with no order as to costs.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

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Date: 2023.07.19
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