

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13619 OF 2022

Naresh K. Rajwani ...Petitioner
Versus
Western India Tenneries Limited And Anr. ...Respondents

Ms. Dhruvika Bhayani i/by Legal vision, for Petitioner.
Ms. Yasmin E. Tawaria a/w. Mr. Abhishek Yadav, for Respondent
No. 1.
Ms. Pranjali Bhandari, for Respondent No. 2.

CORAM : M.M. SATHAYE, J.
DATED : 3rd March 2023

P.C. :

1. Heard learned Counsel for the parties. Learned Counsel for Respondent No. 1 (Defendant No. 1) invited this Court's attention to affidavit-in-reply filed by her client, to which an order dated 17th October, 2022 is annexed, showing that the subject matter Suit No. 7758 of 1997, is dismissed. In view of the fact that the main suit is dismissed, the impugned order passed in Notice of Motion No. 1899 of 2020 in the said suit, does not survive as on today.

2. Therefore, Petition is dismissed as infructuous.

3. Learned Counsel for the Petitioner submits that the

Petitioner has already filed an Application for restoration of the Suit. The said restoration Application is a different subject matter and different cause of action, which will be decided on its own merits in accordance with law, without being influenced by this Order dismissing petition.

(M.M. SATHAYE, J.)