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Date: 2023.07.15
14:41:40 +0530**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.57 OF 2023**Mr. Niranjan Gopichand Gupta ...Petitioners
& Anr.

V/s.

Canara Bank ...Respondent

Mr. Jaydeep Deo for Petitioners

Ms. Neha Thakkar a/w Ms. Smita D. a/w Neha
Thakkar i/by Raj Kumar Shukla for Respondent.**CORAM: MADHAV J. JAMDAR, J.**
DATE: 14th July 2023**P.C.:**

1. Heard Mr. Deo, learned Counsel appearing for the Petitioners and Ms. Neha Thakkar, learned Counsel appearing for the Respondent.

2. The impugned order in the present Writ Petition is order dated 5th April 2022 passed by the learned Appellate Bench of Small Causes Court, Mumbai (Bandra Branch) below Exhibit 8 in P-Appeal No. 45 of 2021 in T.E. & R Suit No. 7 of 2014.

3. By said order the execution of decree of possession passed by the learned Trial Court was stayed till the decision of appeal

on condition of Defendant's depositing Rs.2,00,000/- per month. The said order has been challenged by the Petitioner i.e. the landlord seeking fixation of higher amount.

4. However, Ms. Thakkar, learned Counsel appearing for the Respondents points out order dated 4th July 2023 passed in P. Appeal No. 45 of 2021 by which said appeal itself has been disposed of by quashing and setting aside order of the learned Trial Court and the matter has been remanded back to the learned Trial Court.

5. In view of said order, Mr. Deo, submits that nothing survives in the petition. Accordingly, the Writ Petition is disposed of as it has become infructuous.

(MADHAV J. JAMDAR, J.)