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

WRIT PETITION NO. 2002 OF 2020

Bonny@ Bonniface L Viegas Lhr of Thema Viegas ... Petitioner
(decd)

vs.

Mrs. Betty C D'souza and Ors ... Respondents

Mr. P. V. Nichani, for the Petitioner.

CORAM : GAURI GODSE, J.

DATED : 13th APRIL, 2023

P.C. :-

1. This Petition is filed to challenge the Order passed by Small Causes Court on 19th October 2018, below Exhibit- 120. Learned Advocate for the Petitioner states that during the pendency of the present Petition, the suit has already been decreed on 26th October 2021. Hence, the Petition has become infructuous.

2. Learned Advocate for the Petitioner submitted that by the impugned Order, the Application of the Petitioner raising objections with respect to the entitlement of the persons verifying the plaint was challenged. He states that similar grounds have been raised by the Petitioner in the Appeal preferred against the Decree passed in Suit. Needless to record that it is always open to the Petitioner to raise grounds of objection to the Order impugned in the Writ Petition, in the pending Appeal, in view of Section 105 of Civil Procedure Code, 1908.

3. Hence, Writ Petition is disposed of as infructuous.

(GAURI GODSE, J.)