

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

INTERIM APPLICATION NO.2750 OF 2021

IN

WRIT PETITION NO.4761 OF 2002

WITH

WRIT PETITION NO.4761 OF 2002

Vishwanath Shivlingappa Patil

...Applicant/Petitioner

Versus

Smt. Gangabai Koli (since
deceased through her legal heirs)

1A) Shivshaaran Bhimsha Koli
(since deceased through his legal
heirs)

1A-A) Smt. Mangal Shivsharan
Koli and Ors.

...Respondents

....

Mr. Sagar Kursija with Mr. H.D. Chavan and Mr. Anshuman Deshmukh
for the Applicant.

None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th OCTOBER, 2023.

P. C. :-

INTERIM APPLICATION NO.2750 OF 2021:-

1. The Petitioner- landlord has filed an eviction suit, which was decreed by the Trial Court. In an appeal filed by the tenant, the decree of the Trial Court was set aside and consequently the suit was dismissed. Aggrieved by the said order the Petitioner-landlord has

filed Writ Petition No.4761 of 2002 under Article 227 of the Constitution of India.

2. By this application, the Applicant seeks appropriate orders since the suit premises are no longer existing.

3. Learned counsel for the Applicant states that the premises have collapsed and that the Respondents are no longer residing in the suit premises. On this contention the appropriate order according to him is to allow the petition.

4. The application is totally devoid of merits and is dismissed with cost of Rs.5,000/- to be paid to Tata Memorial Hospital, within two weeks.

5. The application stands disposed of.

6. Stand over to **06/11/2023** for compliance.

WRIT PETITION NO.4761 OF 2002:-

7. Writ Petition is of the year 2002. Hence, the petition be listed on final hearing board in the week commencing from **06/11/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)