

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

**APPEAL FROM ORDER NO.901 OF 2023
WITH
CIVIL APPLICATION NO.23 OF 2023**

M/s. Samrudhi Promoters &
Builders Thr. It's Partners
Versus

... Appellant

Govind Digambar Deshpande

... Respondent

...

Mr. Sujay N. Gawade, a/w. Adv. Mudita H. Pawar i/b. Shree & Co. for
Petitioner.
None for Respondent.

...

**CORAM : SANDEEP V. MARNE, J.
DATE : 04 NOVEMBER 2023.**

P. C.:

The learned counsel appearing for Appellant would submit that the suit itself is abated on account of death of the original Plaintiff. Therefore nothing would survives in the present appeal. If and when abatement is set aside and the suit is restored, the Appellant would be at liberty to adopt such proceedings as may be available in law. With the above observations, the Appeal is disposed of. Since the Appeal is disposed of, nothing survives in the Civil Application and it is also disposed of.

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SANDEEP V. MARNE, J.