



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 12948 OF 2017

Marutirao Ramchandra Saudagar
VERSUS
Ambubai Santram Saudagar And Others

...
Advocate for the Petitioner : Mr. A.V. Hon
Advocate for Respondents 2 & 3 : Mr. H.V. Tungar h/f. Mr. C.R. Deshpande
...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 04, 2024

PER COURT :-

1. The learned counsel appearing for the respondents submits that present writ petition arises out of interim order and that the main suit being Regular Civil Suit No. 57/2015, pending before the C.J.J.D. Latur itself has been rejected and the appeal against the said order is maintainable before the appellate Court. The learned counsel submits he has instructions that the appeal is also filed. He further submits that as the suit itself is rejected and the appeal is filed, the present writ petition is rendered infructuous and needs to be dismissed.
2. The learned counsel for the petitioner submits that he has no instructions in this regard.
3. The learned counsel for the respondents produced the copy of the order dated 20.4.2019, rejecting plaint in R.C.S. No. 57/2015 passed by the 4th Jt. C.J.J.D., Latur. The same is taken on record and marked as 'X' for identification.
4. In view of the above, the writ petition is dismissed as infructuous.
5. In the event, the Appellate Court restores the suit in appeal, liberty is granted to the petitioner to take recourse as is available in law.

(ARUN R. PEDNEKER, J.)

ssc/