



(1)

932 sa 19.19

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 SECOND APPEAL NO. 19 OF 2019 with Civil Application No.932 OF 2019

**JAYANT GANGADHARAO JOSHI AND ANOTHER
VERSUS
SHANTABAI KALIDASRAO KULKARNI AND OTHERS**

.....

Advocate for Appellant : Mr. Jadhav N.L.
Advocate for Respondents : Mr. Vijay B. Jagtap

....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 19.03.2024**

PC.:-

1. The learned counsel appearing for the respective sides jointly submit that on 30.01.2014 the learned trial Court passed the judgment and decree in RCS No.26/2012, whereby 1/5th share of the plaintiff was ascertained in the suit property. The said decree was challenged in RCA No.35/2014 by the original defendants. On 16.08.2018 the learned First Appellate Court passed the judgment and decree and confirmed the order passed by the trial Court and during the pendency of the present appeal the decree has been executed, therefore, both the sides submit that nothing survives in the present appeal, hence prayed for disposal of the appeal.

2. Since the decree has already been executed and 1/5th share of the plaintiff and defendants have not been denied. Hence as on today cause of action does not survive hence the appeal is disposed of. Accordingly civil application no.932/2019 is disposed of. No order as to costs.

[Y.G. KHOBRAGADE, J.]