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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11038 OF 2023**

Rajesh Kashinath Gupta and Anr ... Petitioners

vs.

Kashinath Rajaram Gupta and Ors ... Respondents

Mr. Sujay Gawade a/w. Ms. Mudita Pawar i/b. Shree & Co. for
Petitioner.

Mrs. M.P. Thakur, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 20th FEBRUARY, 2024

P.C. :-

1. Learned counsel for the petitioner submits that by order impugned in the petition, directions are issued in favour of respondent no.1 regarding handing over possession to the him.

2. Learned counsel for the petitioner states that during the pendency of this petition respondent no.1 expired on 12th December 2023. A copy of death certificate produced by the petitioner is taken on record. He submits that even before the impugned order could be implemented, respondent no.1 expired. He therefore submitted that the petition is rendered infructuous due to the demise of

respondent no.1. By impugned order, directions are issued regarding cancellation of affidavit-cum-indemnity which was executed in favour of petitioner no.1 and directions are issued for handing over possession by the petitioners and respondent no.3 to respondent no.1, who was the Senior Citizen.

3. In view of the aforesaid, since the senior citizen has expired, petition is rendered infructuous. Petition is disposed of as infructuous.

(GAURI GODSE, J.)