



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No.5444 of 2018

Shri Kamalkishor S/o Bhikuram Kedia

Versus

Abdul Salim S/o Sattar Miya and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S.Sitani, Advocate for the petitioner.

Shri M.R.Joharapurkar, Advocate for the respondent
no.7.

CORAM : ANIL S. KILOR, J.

DATED : 1st FEBRUARY, 2024.

Learned counsel for the respondent No.7 points out that the present writ petition is arising out of the order passed below Exhibit 85 dated 15th June, 2018 in Special Civil Suit No. 353 of 2008 which was withdrawn vide order dated 29th July, 2020. He therefore submits that nothing survives in the present petition and hence it has become infructuous.

2. Learned counsel for the respondent No.7 further submits that application for restoration is pending.

3. However, fact remains that the suit was withdrawn on 29th July, 2020 and present petition is arising out of the said proceedings.

4. In the circumstances, as the suit was withdrawn, nothing survives in the present petition. Hence, the writ petition is disposed of.

5. The liberty is granted to the petitioner to file a petition afresh, if such occasion arises.

[ANIL S. KILOR, J.]