



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 SECOND APPEAL NO. 100 OF 2011
WITH
SECOND APPEAL NO. 101 OF 2011
WITH
CIVIL APPLICATION NO. 15604 OF 2011 IN SA/101/2011

Jameel Lahmed Mammulal And Ors

VERSUS

Suleman Bandu Tade

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Advocate for Appellant : Mr. A.D. Sonkawade h/f A.V. Hon

Advocate for Respondent : Mr. D.J. Choudhari

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 13, 2025

PER COURT :-

1. Learned counsel appearing for the appellants submits that sole respondent/original defendant is expired. The suit was filed seeking decree of perpetual injunction in respect of the suit property. The personal relief of injunction was claimed against him. Even, by his defence, he contended that he has right based on power of attorney executed by one Khwaja Mohammad. Now, Khawaja Mohammad is also no more.

2. In light of the aforesaid peculiar facts, learned advocate appearing for the appellants submits that appeal itself may be disposed of as cause of action to file the suit no more survives.

3. In that view of the matter, both second appeals stand disposed of as abated against respondent.

4. In view of disposal of second appeals, pending civil application/s, also stand disposed of.

(S. G. CHAPALGAONKAR, J.)

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