



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO. 7250 OF 2025

DAVJI MAROTI BHANDAWALE
VERSUS
SK JAFAR SK IBRAHIM AND OTHERS

...

Mr. D. R. Bhadekar, Advocate for the Petitioner

Mr. A. B. Lokhande h/f Mr. G. K. Naik Thigle, Advocate for Respondent
Nos.1 to 6.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 9th JANUARY, 2026

P.C. :-

1. Mr. Bhadekar, learned Advocate appearing for Petitioner placed on record death certificate dated 29.11.2025 which shows that Petitioner- Original Defendant No.2-Davji Maroti Bhandawale expired on 22.11.2025. He would further invite attention of this Court to the observations made in case of *Salvador D'silva And Ors v. Shri Kautu Gaonkar And Ors, 2024(1), Goa Law Report, 441*, to contend that a cause of action abates in a suit for injunction directed personally against a defendant (in personam). Such cause of action cannot survive after death of defendant. He would submit that, in view of death of original defendant-Davji Maroti Bhandawale, proceedings in the suit or impugned order itself do not survive.

2. Mr. Bhadekar, learned Advocate appearing for petitioner submits that writ petition may be disposed in light of aforesaid legal and factual aspects.

3. In light of submissions advanced, writ petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

ssp