

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSPETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 6690/2024

(Arising out of impugned final judgment and order dated 15-01-2024 in WP No. 13121/2023 passed by the High Court of Judicature at Bombay)

SWASTIK ENTERPRISES, KOLHAPUR

Petitioner(s)

VERSUS

PRABHAVATI M. KUMATHEKAR

Respondent(s)

(FOR ADMISSION and IA Nos. 68752/2024, 112715/2024 and 166815/2024 - EXEMPTION FROM FILING O.T., and IA Nos. 112714/2024 and 166811/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-10-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Chander Uday Singh, Sr. Adv.  
Ms. Renuka Sahu, AOR  
Mr. Bhavin Gada, Adv.  
Mr. Deepak Shukla, Adv.  
Mr. Shubham Bhatia, Adv.

For Respondent(s) Mr. Omkar Deshpande, Adv.  
Mr. Shashibhushan P. Adgaonkar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard the learned counsel appearing for the petitioner.

The petitioner is the original plaintiff. A decree for possession has been passed in a suit filed against the respondent/tenant. An appeal against the decree of eviction was preferred by the respondent before the District Court. In the appeal, there was a delay and, therefore, an application for condonation of delay was filed before the District Court.

As application for stay of the execution of decree filed in the appeal was rejected by the District Court, a writ petition under Article 227 of the Constitution of India was filed by the respondent. By the impugned order, the High Court while disposing of the writ petition directed the District Court to decide the application for condonation of delay in a time-bound schedule. The High Court also directed that in the meanwhile, there will be stay of execution of the decree.

We had called for a report of the District Court as the application for condonation of delay was not being heard. The report dated 29<sup>th</sup> July, 2024 of the District Court records that the petitioner was not appearing before the District Court and, therefore, the application for condonation of delay could not be heard. Now, the said application for condonation of delay has been heard and the same has been allowed. Hence, the impugned order has worked out itself and the present Special Leave Petition does not survive.

Though there was no question of making any further submissions, Ms. Renuka Sahu and Mr. Bhavin Gada, the learned counsel appearing for the petitioner tried to argue on merits of the appeal pending before the District Court. We will not allow anyone to waste the time of the Court

The Special Leave Petition is disposed of accordingly as it does not survive.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)