

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 1069 OF 2012

IN

FIRST APPEAL (ST.) NO. 26854 OF 2010

KAMAL SINGH LAXMANSINGH

GALUNDIA & ORS. .. APPLICANTS/APPELLANTS

VERSUS

NIRANJAN C. SHAH & OPRS. .. RESPONDENTS

Mr. S. Nagvadaria i/b M/s. Mehta & Co., Advocate for the
applicants/appellants

CORAM:-A. P. BHANGALE, J.

DATED : 21/9/2013

P.C.

My attention is brought to affidavit sworned by
Shri Niranjanalal Chandanalal Shah (respondent-original plaintiff
No. 1). It is mentioned in para 2(d) appeal became infructuous
such as the unauthorized structure on the terrace of Shiv Sadan
has already been demolished by the Municipal Corporation on

31/5/2011.

2 If that being so, the cause of action is no more surviving and hence civil application became infructuous and it is dismissed.

(A.P. BHANGALE, J.)

md.saleem