

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4785 OF 2015

Maharashtra State Road Transport
Corporation

... Petitioner

v/s

Vijay Vasudev Kadam & ors.

... Respondents

Mr.C.M.Lokesh i/by G.S.Hegde for the petitioner.

Mr.Manoj A. Patil for the respondents.

CORAM: N.M. JAMDAR, J.

DATED : 17 NOVEMBER 2015

PC.:

Learned counsel for the Respondents tenders an affidavit in which it is asserted that the impugned order dated 6 July 2013 was recalled by the Industrial Court, Kolhapur, being an ex-parte order, and subsequently the complaint has been allowed by the order dated 3 May 2014. Learned counsel for the Petitioner accepts the position that the petition has become infructuous. The petitioner being a public body, ought to have been careful in giving instructions to its advocates and inform the advocates that the order being impugned already stands recalled before the petition was filed. The petition, in the circumstances, is wholly misconceived and is rejected with costs of Rs.5000/-.

(N. M. JAMDAR, J.)