

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

**WRIT PETITION NO. 6469 OF 2000
WITH
CIVIL APPLICATION NO. 271 OF 2004**

Lt. Colonel I.P. Lobo (Retd) &Ors.

... Petitioners/Applicants

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Ganesh Ambekar i/b M/s. Thakore Jariwala & Co. for the Petitioners.

Mr. A.A. Alaspurkar, AGP for the Respondent No.1.

Mr. A.P. Kulkarni for the Respondent No.2.

CORAM : A.S.OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 14th JULY, 2017

P.C.:

. This petition was placed before the Special Vacation Court on 08th May, 2017. The paragraph 2 of the order passed by the Special Vacation Bench, reads thus:

“2. The learned Counsel for the Petitioners states that there is no contact with the Petitioners for a considerable period of time and he seeks adjournment to ascertain the present position with a request to keep the matter before the regular Court. Various orders have been passed in this Petition and several reliefs have been sought for. The learned Counsel for the Petitioners, on the next date will apprise the Court whether the cause of action in this Petition survives.”

2 The learned Counsel appearing for the Petitioners states that thereafter, the Advocate for the Petitioner tried to contact the Petitioners. However, the contact could not be established at the addresses mentioned in the petition. Yesterday, time was granted to the learned Counsel appearing for the Petitioners to take instruction.

3 Perhaps with the passage of time, the issue raised by these Petitioners may not be survive.

4 As the Petitioners have not given any instruction to their Advocate to proceed with the matter, this petition of the year 2000 needs not be kept pending. Accordingly, the petition is disposed of for want of prosecution. Rule is discharged. Pending Civil Application does not survives.

5 We make it clear that we have made no adjudication on the issue raised in the petition. If the grievances raised in the petition still subsist, the Petitioners can always apply for restoration by satisfying the Court that cause of action for filing the Writ Petition still subsist.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)