

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.3168/2018

IN

WRIT PETITION NO.8382/2018

Dinesh (Dinkar) S/o Bakaramji Maind and another

..Vs..

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.J. Mehta, Advocate for the petitioners.
Shri S.M. Vaishnav, Advocate for respondent No.5.

CORAM : Z.A. HAQ, J.

DATE : 17.12.2018.

Heard.

By order dated 11th December 2018, interim order is granted in favour of the petitioners. The respondent No.5 has filed this civil application praying that the *ex parte* interim order be vacated. According to the respondent No.5, he had filed caveat, however, the name of Advocate representing the respondent No.5 did not appear in the cause list on 11th December, 2018 and, therefore, the Advocate could not remain present. According to the respondent No.5, the petitioners have obtained interim order without pointing out certain relevant facts. The learned Advocate for the respondent No.5 has pointed out the order passed by the Division Bench of this Court in Writ Petition No.3794/2018 on 3rd July, 2018 which *prima facie* shows that a statement was made on behalf of the respondent No.5 (who was

petitioner in Writ Petition No.3794/2018) that he was conducting the business and the Authorities were trying to attach consumers of his shop to some other fair price shop and this Court considered the statement and directed that *status quo* be maintained.

The learned Advocate for the respondent No.5 has further pointed out that by the impugned order, the Hon'ble Minister has quashed the order dated 3rd July, 2015 by which the authorization of fair price shop of respondent no.5 was suspended.

Considering the facts of the case, I am satisfied that the interim order granted on 11th July, 2018 is required to be vacated. Rule is made absolute in terms of prayer clause (i) of this civil application. No costs.

JUDGE