

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

WRIT PETITION NO. 4277 OF 2018

Sau. Hemi w/o Raju Rathod and others

vs.

Shri. Shringruish Maharaj Sanstha, Ansingh Washim, Through its Trustees
Bhagirath Kisanlalji Thakre and others

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

Court's or Judge's orders

None for the petitioners.

Shri. A. V. Bhide, counsel for respondents No.1(i) to (ix)

CORAM : MANISH PITALE J

DATED : 04/12/2019

None appears on behalf of the petitioners.

2. By this writ petition the petitioners have challenged order passed by the Maharashtra Revenue Tribunal, whereby stay was refused during the pendency of an application for restoration of revision application before the Tribunal. On 17/07/2018, this Court passed following order in the present writ petition.

“Heard Shri. S. R. Deshpande,
learned counsel for the petitioners.

He submits that the application of the petitioners seeking restoration of the revision application before the Maharashtra Revenue Tribunal is pending and during the pendency of this application, the Tahsildar has issued a notice for possession, which notice has not been stayed by the Revenue Tribunal.

Issue notice for final disposal to the respondents, returnable after four weeks.

Meanwhile, having considered the submission and also the fact that when the restoration application is pending before the Maharashtra Revenue Tribunal and the submissions of the petitioners are under its consideration, it would be necessary that status-quo in respect of subject matter of the dispute is maintained, there shall be interim relief in terms of prayer clause (2) until further orders.”

3. The learned counsel appearing for the contesting respondents submits that the present writ petition has been rendered infructuous for the reason that with passage of time, the Tribunal took up the application for condonation of delay in filing the application for restoration of the revision application. The Tribunal dismissed the application for condonation of delay, as a result of which, the restoration application also stood rejected. The petitioners herein challenged the said order of the Tribunal by filing Writ Petition No.4457/2019, which was dismissed by this Court by order dated 03/07/2019 with costs quantified at Rs.20,000/-.

4. The subsequent events clearly demonstrate that the present writ petition, which arose out of an interim order passed by the Tribunal, has been rendered infructuous.

5. Hence writ petition is dismissed as infructuous.

JUDGE