

Anand

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

WRIT PETITION NO. 5064 OF 2013

Waman Khandu Kadam & ors. .Petitioners

Vs.

Government of Maharashtra through .Respondents
Collector, Satara & ors.

**WITH
CIVIL APPLICATION NO. 2230 OF 2014
IN
WRIT PETITION NO. 5064 OF 2013**

**WITH
CIVIL APPLICATION (ST) NO. 24728 OF 2014
IN
WRIT PETITION NO. 5064 OF 2013**

Waman Khandu Kadam & ors. .Applicants

IN THE MATTER BETWEEN

Waman Khandu Kadam & ors. .Petitioners

Vs.

Government of Maharashtra through .Respondents
Collector, Satara & ors.

Mr. V. R. Gaikwad, Advocate, for the Petitioners / Applicants
Mr. M. S. Bane, AGP, for the Respondent Nos. 1 & 2 – State
Mr. V. S. Talkute, Advocate, for the Respondent No. 3

CORAM : REVATI MOHITE DERE, J.

DATE : 02.03.2020

P. C.

. The aforesaid Petition has been circulated by Mr. Talkute,

Advocate for the Respondent No. 3. Learned counsel for the Respondent No. 3 submits that the Petition is rendered infructuous, inasmuch as, the main Suit has been dismissed for default in 2016 and that till date, the same has not been restored.

2. Learned counsel for the Petitioners / Applicants does not dispute the same. He, however, requests that in the event, the Suit is restored back to its original file, the Petitioners be permitted to file an appropriate Application seeking restoration of the aforesaid Petition.

3. Considering that the main Suit itself is dismissed for default in 2016 and the Application seeking restoration of the suit is pending for the last four years with no interim relief therein, nothing survives for consideration in the present Petition at this stage and hence, the same is disposed of as infructuous.

4. It is made clear, that this Petition has not been heard on merits.

5. It is always open for the Petitioners to take out an appropriate Application, if the occasion so arises.

6. In view of disposal of the Petition, the Civil Applications,

being **C. A. No. 2230 of 2014** and **C. A. (St.) No. 24728 of 2014** do not survive and the same stand disposed of.

(REVATI MOHITE DERE, J.)