

Vidya Amin

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

WRIT PETITION NO. 7562 OF 2009

Harishchandra Gulabrao Nimbalkar

... **Petitioner**

Vs.

State of Maharashtra & Ors.

... **Respondents**

None for Petitioner.

Mr. S.L. Babar AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : 27th AUGUST 2021

P.C.:

1. Learned Government Pleader, Appellate Side had circulated in the Registry a list of old infructuous matters so that these matters could be listed and disposed of as infructuous. This petition is one of such matters in the list. These matters were accordingly listed before this Court on 20 August, 2021 with a prior notice dated 17 August, 2021, by which the parties were intimated that if the proceedings have not become infructuous, then a praecipe be submitted in the office before its listing on 20 August 2021.

2. On 20 August, 2021, when this petition was listed before the Court and was called out, none appeared for the petitioner nor a praecipe in response to the notice dated 17 August, 2021 stating that the matter has not become infructuous was placed on record. However, to give a second chance to the parties, the Court adjourned this petition, to be listed today with a specific advance notice dated 24 August, 2021, that the parties are again permitted to submit a praecipe if the proceedings are not infructuous. Despite such second

notice, no praecipe is received in the present proceedings on behalf of the petitioner.

3. It, therefore, appears that the petitioner is not interested to prosecute this petition and/or it has become infructuous. The petition is, accordingly, disposed of, however, with liberty to the petitioner to revive the petition in the event the petitioner feels that the cause of action still survives.

4. Disposed of in the above terms. No costs.

(G.S. KULKARNI, J.)