

psv

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4110 OF 2001

H.D.Sampat ...Petitioner
Vs.
Andheri Juhu Radheshyam Co.
Op.Hsg. Soc. Ltd. ...Respondent

AND
WRIT PETITION NO.4127 OF 2001

Narendra Gajanan Wagle ...Petitioner
Vs.
Andheri Juhu Radheshyam Co.
Op.Hsg. Soc. Ltd. ...Respondent

AND
WRIT PETITION NO.4124 OF 2001

Vimla Jagdish Shahani ...Petitioner
Vs.
Andheri Juhu Radheshyam Co.
Op.Hsg. Soc. Ltd. ...Respondent

AND
WRIT PETITION NO.4128 OF 2001

Shobha G. Lulla ...Petitioner
Vs.
Andheri Juhu Radheshyam Co.
Op.Hsg. Soc. Ltd. ...Respondent

Mr.S.G.Deshmukh for Petitioner.
Mr.PN. Shastri with Mr.Neel Helekar for Respondent No.1.
Mr.PP. Pujari, AGP for State/Respondent Nos.2 & 3.

CORAM : G.S. KULKARNI, J.

DATE : 8th MARCH 2021

P.C.:

1. This petition has been notified as per the list of matters as received from the office of the learned Government Pleader to have become infructuous. As per the office notice dated 2 March 2021, the Advocates for the petitioners/petitioners were called upon to give a praecipe in advance in case the petition has not become infructuous. Such praecipe has not been received in regard to this petition.

2. Learned Advocate for the petitioners states that these writ petitions have become infructuous as the disputes between the parties stand settled. To this effect affidavit of Mr.Narendra Wagle and Smt.Madhavi Narendra Wagle dated 27 April 2017 in Writ Petition No.4127 of 2001, affidavit of Vinesh Ved and Himali V. Ved dated 4 June 2013 in Writ Petition No.4110 of 2001, affidavit of Mrs.Vimla Jagdish Sahani dated 10 August 2017 in Writ Petition No.4124 of 2001 and affidavit of Smt.Shobha Lulla dated 7 August 2017 in Writ Petition No.4128 of 2001 are placed on record.

3. By interim orders dated 5 December 2001 passed in each of these petitions, the petitioners were directed to deposit certain amounts as recorded in the said orders with liberty to the respondent No.1 society to withdraw 50% of the said amount with an undertaking that in case the petitioner succeeds in the petition, the said amount shall be adjusted

towards the outgoings of the petitioner. The office was directed to invest the rest of 50% of the amount in a nationalized bank. As per the said interim orders dated 5 December 2001, the following amounts were deposited in the Court by each of these petitioners:

Writ Petition no.	Amount of the Cheque	Date of deposit
4110 of 2001	Rs.46,783/-	7 January 2002
4124 of 2001	Rs.21,441/-	7 January 2002
4127 of 2001	Rs.69,323/-	7 January 2002
4128 of 2001	Rs.40,937/-	6 February 2002

Learned Advocate for the petitioners states that as now the parties have settled the disputes and that the petitions would be disposed of, the balance 50% which remains deposited in this Court, is now required to be refunded in favour of the respondent No.1 society. In the circumstances, the request is required to be granted. Office to do the needful within a period of four weeks from today, payment of such amounts along with accrued interest be made in favour of the respondent No.1 society.

4. The petitions are disposed of in the above terms. No costs.

(G.S. KULKARNI, J.)