

Vidya Amin

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

WRIT PETITION NO. 10588 OF 2009

Patil Stone Crushers ... Petitioner
Vs.
Grampanchayat Nandni & Ors. ... Respondents

**WITH
WRIT PETITION NO. 2105 OF 2010**

Dattakrupa Stone Crushers ... Petitioner
Vs.
Grampanchayat Nandni & Ors. ... Respondents

**WITH
WRIT PETITION NO. 10587 OF 2009**

Kalpataru Stone Crushers ... Petitioner
Vs.
Grampanchayat Nandni & Ors. ... Respondents

**WITH
WRIT PETITION NO. 10589 OF 2009**

Demapure Stone Crushers ... Petitioner
Vs.
Grampanchayat Nandni & Ors. ... Respondents

**WITH
WRIT PETITION NO. 10591 OF 2009**

Parshwanath Stone Crushers ... Petitioner
Vs.
Grampanchayat Nandni & Ors. ... Respondents

None for Petitioners.

Mr Ramesh D. Rane for Resp Nos. 2 & 3 in WP/10588/2009 a/w
WP/10587/2009 a/w WP/10589/2009 a/w WP/10591/2009.

Mr S.S. Panchpor 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. These petitions are 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 these petitions were listed before the Court and was called out, none appeared for the petitioners 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 these petitions, 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 petitioners.

3. Mr. Rane, learned counsel for respondent nos. 2 and 3 states that in view of vacating of the interim order passed in these petitions, the entire amount was recovered from the petitioners. He states that in view of the further developments, the petitions are rendered infructuous.

4. These petitions are, accordingly, disposed of as infructuous, however, with liberty to the petitioners to revive the petitions in the event the petitioners feels that the cause of action still survives.

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

(G.S. KULKARNI, J.)