

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 CIVIL APPLICATION NO.1743 OF 2022

JIVAN MAJNU GAVIT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Parvezhasnath H Kagzi
AGP for Respondent Nos. 1 to 5 & 7 : Mr.A.R. Kale
...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 25th FEBRUARY, 2022

PER COURT :-

1. We cannot fathom conduct of the petitioner. Public Interest Litigation was filed on 25th June, 2021. The matter was circulated. The same appeared on the Board of 5th July, 2021. On that day, learned counsel for petitioner sought time. The matter was adjourned to 17th August, 2021. On 17th August, 2021 when the matter was called out, again adjournment was sought by learned counsel for the petitioner. The matter was adjourned to 12th October, 2021. On 12th October, 2021 statement was made that Mr. Choudhari, learned counsel will workout the matter, but he is not in a position to attend the Court. The matter was adjourned to 21st October, 2021. On 21st October, 2021 an adjournment was solicited by the petitioner. The matter was adjourned to 6th January, 2022. On 6th January, 2022 the statement was made by learned counsel for the petitioner that purpose of Public Interest Litigation does not subsist.

2. In view of the said statement, Public Interest Litigation was disposed of.

3. Now, the present civil application is filed for recalling of that order on the ground that advocate appearing in the Public Interest Litigation was not instructed to make such statement.

4. In present Public Interest Litigation, it is stated that the illegally 1000 100mg vials of Remedisivir was allocated to respondent No. 9 i.e. Rotary Wellness Centre. The direction was sought to enquire into the same.

5. The petitioner, it appears, is not serious with the matter.

6. Be that as it may, the matter is filed in the public interest.

7. To test the *bonafides* of the petitioner and by way of security, if cost is imposed upon the petitioner, so also as per the Rule 7(a) of the Bombay High Court Public Interest Litigation Rules, 2010, the petitioner shall deposit an amount of Rs.1,00,000/- (Rupees one Lakh) within a period of two weeks from today. Failure to deposit the amount, as directed above, within stipulated period, would entail dismissal of the Public Interest Litigation.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE