

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAW) NO.443/2022

IN

WRIT PETITION NO.7985/2018

Subhash s/o. Ramlal Jaiswal Vs. Prabhulal S/o. Ramlal Jaiswal and Anr.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders
.....

Court's or Judge's order

Mr. S. D. Chande, Advocate for Applicant.

Mr. A. C. Dharmadhikari, Advocate for Non-applicant No.1.

Ms. Shamsi Haider, AGP for Non-applicant/State.

CORAM : AMIT B. BORKAR, J.

DATED : 13th SEPTEMBER, 2022.

. By this application, applicant is seeking dismissal of the Writ Petition as abated, therefore, has become infructuous.

2. On perusal of the order dated 10.06.2022 in Civil Application (W) No.405/2022 and Civil Application (W) No.605/2022, it appears that the legal representatives of the petitioners are brought on record. In that view of the matter, this application is devoid of merit. The application is, therefore, rejected.

CIVIL APPLICATION (CAW) NO.1574/2022

. By this application, applicant is seeking directions against petitioners to close down the shop and also direction to shift the shop to other premises as directed by the Collector by order dated 31.10.2017.

2. Perusal of the order passed by this Court on 27.03.2019 shows that this Court had issued Rule and

granted interim relief in terms of prayer clause (ii) and (iv) during pendency of the present petition. After the abatement is set aside, the Writ Petition stands restored. With the result, interim relief granted by this Court by order dated 27.03.2019 would revive.

3. The said principle has been laid down by the Hon'ble Apex Court in the case of *Vareed Jacob vs Sosamma Geevarghese & Ors* reported in *(2004) 6 SCC 378*. Since, while dismissing the petition there was no specific order of vacating the interim relief, on abatement being set aside, the interim relief which was in force, would revive. With the result, the relief as sought in the application cannot be granted, the application is, therefore, rejected.

JUDGE

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