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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1100 OF 2023
IN
WRIT PETITION NO.8420 OF 2008

Hanumantrao B. Patil & Ors. ...Applicants

IN THE MATTER BETWEEN :

Hanumantrao B. Patil & Ors. ...Petitioners

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr.V.V. Pai with Ms.Prajakta Mali for the Applicants / Petitioners.

Ms.M.S. Bane, AGP for the State – Respondent.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.
DATE : 18TH APRIL, 2023.

P.C. :-

1. This Interim Application is filed by the Applicants for setting aside the order dated 1 April, 2021 whereby disposing of the Writ Petition as infructuous. Learned advocate for the Applicants states that the Writ Petition was disposed off as infructuous as per the list of matters that was submitted from the office of the AGP thereby stating that matters mentioned in the list had become infructuous. Learned

advocate for the Applicants were not aware that the present Writ Petition was a part of list that was submitted by the office of AGP. Learned advocate for the Applicants states that the Writ Petition has not become infructuous and claim of the Applicant survives. The Writ Petition was admitted on 2 March, 2009 and the same was pending.

2. Learned AGP is unable to point out as to how the Writ Petition has become infructuous.

3. Hence for the reasons stated in the Interim Application, the following order is passed :-

a). The Interim Application is allowed in terms of prayer clauses (b) and (c). Writ Petition as well as interim order are restored.

b). The Interim Application is disposed of in aforesaid terms.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)