

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9377 OF 2005
WITH
CIVIL APPLICATION NO.750 OF 2010
WITH
CIVIL APPLICATION NO.1307 OF 2009

M/s Khator Fibre and Fabrics Ltd.

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

Mr AS Peerzada, for the Applicant/Intervenor in CA 1307/2009.
Mr PP Kakade, GP with Smt. SD Vyas, Addl. GP with Shri AR
Metkari, AGP for the Respondent-State.

CORAM: Dr. Neela Gokhale, J.
DATED: 8th January 2024

PC:-

1. The 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 as infructuous. This petition is one such matter.

2. By order dated 20th August 2021, Mr. Yadav, learned counsel for the Petitioner, informed this Court that the petition is wrongly

listed in the matters of infructuous matters and further stated that cause of action for the Petitioner to pursue the petition, yet survives. Accordingly, this Court directed the matter to be removed from the board to be placed before the regular Court. Record indicates that the petition is ready for hearing and there was also civil application for intervention by the Applicants/Intervenors as well as civil application for vacating the interim relief.

3. Thereafter from the year 2021, none had appeared for the Petitioner till date. Even today when the matter is called out, none appear for the Petitioner. Therefore, it appears that the Petitioner is not interested in prosecuting this petition. Learned counsel appearing for the Applicants/Intervenors also draws my attention to a decision of the full bench of this Court dated August 30, 2006 wherein according to the learned counsel, issue in the petition, has been finally settled and nothing survives in the petition. Without going into the merits of the contention of the counsel for the Intervenors/Applicants, the petition is dismissed for default with no order as to costs. All the interim orders, if any, stand vacated. The other civil applications in the petition are also disposed as infructuous. The Intervenors/Applicants are at liberty to seek any relief accruing to them in accordance with law.

(Dr. Neela Gokhale, J)