

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11113 OF 2024
IN
WRIT PETITION NO. 11232 OF 2017

Radhabai Hasuram Patil and Anr.

... Applicants/
Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Sagar Talekar, for the Petitioners.

Mr. Kedar Dighe, Add. G.P., a/w. S. S. Bhende, AGP, for the Respondent-State.

Mrs. S. S. Bhende, AGP, for Respondent Nos. 1 to 3 & 10.

Mr. Shyamsundar Solanke, i/b. Pramod Patil, for the Respondent No.4

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.

DATED: 10 OCTOBER 2024

P.C.

1. We have heard learned counsel for the parties.
2. By this Application, the Applicants-Petitioners have prayed for the order dated 5th February 2024 to be set aside and restore the Petition to the file of this Court.
3. We have perused the order dated 5th February 2024. The aforesaid Writ Petition was listed in pursuance of a list which was circulated by the learned Government Pleader indicating that matters have become infructuous. A notice was issued by the Court to list such matters which itself made it clear that in the event matters which have not become infructuous, a

praecipe be filed to that effect. In fact in the order dated 5th February 2024 in paragraph 3, the Petition was disposed with liberty to the Petitioners to revive the Petition, in the event the Petitioners were of the opinion that the cause of action still survives. Accordingly, the Petitioners are before the Court to submit that the cause of action has survived, the Petition has not become infructuous.

4. We have perused the averments made in the memo of the Application. In our opinion, it is in the interest of justice that the Petition be restored to the file of this Court.

5. Accordingly, the Application is allowed in terms of prayer clauses (a) and (b), which reads thus:

“a) This Hon’ble Court be pleased to condone the delay 42 days in filing the above Interim Application.

b) This Hon’ble Court be pleased to set aside the order dated 05/02/2024 and restore the above Writ Petition to the file of the Court.”

6. The Petition be accordingly listed for final hearing as per its turn.

7. Liberty to apply for early hearing.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)