

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13484 OF 2024

IN

WRIT PETITION NO. 13400 OF 2024

Shrikant Moreshwar Kale & Anr.	...Applicants
In the matter between	
Shrikant Moreshwar Kale & Ors.	...Petitioners
Vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. Sameer Kadam for Applicant.

Ms. Nisha Mehra, AGP for State/Respondent Nos.1, 4, 5.

Ms. Shyamali Gadre with Ashwin Kulkarni i/b. Little & Co. for MIDC.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
DATE: 03 OCTOBER, 2024.

P.C.

1. This interim application is filed in Writ Petition No. 13400 of 2024 praying that the order dated 26 September 2024 passed by this Court allowing the petitioners to withdraw the petition, be recalled.

2. Learned counsel for the applicants has pointed out that on 26 September 2024 at serial no.902 there were two writ petitions listed on board, namely, the present petition (Writ Petition No. 13400 of 2024) and Writ Petition No. 13040 of 2016. On that day, in Writ Petition No. 13040 of 2016, a request was made to withdraw the petition, however, although the Court permitted withdrawal of Writ Petition No. 13040 of 2016, inadvertently, the present petition (Writ Petition No.13400 of 2024) was also permitted to be withdrawn which was not in fact intended to be withdrawn. Learned counsel for the respondents would not have any dispute in this regard.

3. Accordingly, we recall our order dated 26 September 2024 passed in Writ Petition No. 13400 of 2024 and give directions that the said writ petition be listed for admission after two weeks. Reply affidavit, if already not filed, be placed on record on or before the adjourned date of hearing. Ordered accordingly.
4. Interim application stands disposed of accordingly in the aforesaid terms. No costs.
5. We accordingly restore the writ petition No. 13400 of 2024 along with interim reliefs as granted.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)