

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 310 OF 2025
IN
WRIT PETITION NO. 2884 OF 2003
WITH
WRIT PETITION NO. 2884 OF 2003**

Yamuna Shivaji Jadhav And Ors

... Applicants

Versus

The Dist. Resettlement

Officer, Satara and Ors.

... Respondents

Mr. S. A. Rajeshirke *i/b Ms. Heena Patil for the Applicants.*

Ms. J. J. Kapre, *AGP for Respondent No.1 to 5-State.*

Mr. Prathmesh Mandal *for Respondent No.6.*

CORAM : SANDEEP V. MARNE, J.

DATE : 8 JANUARY 2025.

P.C. :

1) The Interim Application is filed seeking restoration of the Petition, which is dismissed for non-prosecution by Order dated 26 September 2024.

2) The Petition was pending since the year 2003 and on account of default in prosecuting the same on 26 September 2024, when the same was called out for final hearing, this Court proceeded

to dismiss the Petition for non-prosecution. It appears that Petitioners have been enjoying the interim order in the form of non grant of possession to the beneficiary (Respondent No.6) during pendency of the Petition. The Petitioners are otherwise negligent in filing the present application in which the beneficiary (Respondent No.6) is not even impleaded nor notice of moving the present Interim Application was served on the learned counsel for Respondent No.6. Considering the negligent approach of the Petitioners, restoration of the Petition cannot be without consequences.

3) Accordingly, Petitioners shall pay costs of Rs.25,000/- to Respondent No.6 within a period of three weeks from today. The Demand Draft representing the amount of costs drawn in the name of Respondent No.6 shall be handed over to the learned counsel appearing for Respondent No.6 within a period of three weeks from today.

4) Subject to payment of costs to Respondent No.6, the Writ Petition is restored by recalling the order dated 26 September 2024. List the Petition for final hearing on **21 February 2025**.

5) Interim relief granted by this Court vide order dated 15 December 2011 shall continue to operate during pendency of the present Petition.

6) Interim Application is **disposed of**.

[SANDEEP V. MARNE, J.]