

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

**CIVIL APPLICATION NO.1962 OF 2014
IN
WRIT PETITION NO.5034 OF 2005**

Ashok Virupaksh Khadake : Applicant.

In the matter between

Ashok Virupaksh Khadake : Petitioner

versus

M/s. Krishiseva Kendra

Through Partner

Sunilkumar B Neshti and anr. : Respondents.

Mr. Anand Landge i/by Mr. T S Ingale for the Applicant.

Mr. Omkar Nagvekar i/by Mr. P R Arjunwadkar for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 13th November 2014.

P.C.

1 The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for the non-prosecution on account of the non-appearance of the advocate on the day when the Petition was listed for hearing. The reasons for non-appearance of the advocate for the Petitioner are mentioned in Paragraph No.7 of the Civil Application.

2 The learned Counsel appearing for the Respondents opposes the Civil Application but ultimately leaves it to the Court.

3 Since the above Writ Petition has been dismissed for non-prosecution in my view, it would be just and proper to give an opportunity to the Petitioner to prosecute the Petition on merits. Hence the above Civil Application is allowed. The order dated 21/7/2014 is set aside and resultantly the Writ Petition is restored to file. List the Writ Petition for final hearing, to be shown on the weekly board at its appropriate place. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]