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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 11722 OF 2010
IN WP/2511/2009

PRAKASH NARAYANDAS RIZWANI
VERSUS
NARYANDAS NAWALAI RIZWANI AND ANR

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Advocate for Applicants : Mr.Anil H Kasliwal

Advocate for Respondents : Mr.Mobin Shaikh h/f Mr.P S Dighe for R/1.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th July, 2015

Per Court:

1 Writ Petition No.2511/2009 was dismissed for want of prosecution by the order dated 28.06.2010. The concerned Advocate had made a statement that another Advocate was engaged one month prior to the said order and the Petitioner had taken away all the papers.

2 Mr.Kasliwal, learned Advocate for the Applicant, today submits that because he was not available on the said date and had not entered his appearance, the petition was dismissed for want of prosecution.

3 This civil application was filed on the next day i.e. 29.06.2010 and as such, the promptitude in filing the application would indicate that the matter was dismissed on account of oversight of the learned Advocate and it also indicates that the Petitioner is interested in prosecuting this petition.

4 Learned Advocate for the Respondent has strongly opposed the application. It is submitted that the reasons cited are not satisfactory and exemplary costs be imposed.

5 For the reasons set out in the application and in the light of the fact that the application was filed within 24 hours of the order dated 28.06.2010 dismissing the petition, the same is allowed without imposing costs. Writ Petition No.2511/2009 is restored to the stage at which it was dismissed in default.

(RAVINDRA V. GHUGE, J.)