

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1066 OF 2015
IN
WRIT PETITION NO. 2997 OF 2006**

M/s. Jamkhandi Sugar Ltd.

..Applicant

Vs.

M/s. Kay Bouvet Engineering & Ors.

..Respondents

Dr. Pallavi Divekar a/w Ms Sayali Ghanpure and Mr. Salil Dabke i/b Divekar & Co. for the Applicant

Mr. V. H. Narvekar i/b Mr. S.S. Kanetkar for the Respondent No.1

Mr. Amit Bhavé i/b M/s. Milan Bhise & Co. for the Respondent No.2

Mr. A. R. Metkari AGP for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 17th OCTOBER, 2015

P.C.

1 The above Civil Application has been filed for restoration of the above Petition which has stood dismissed for non prosecution on 26-3-2015. The order passed on the said day by a Learned Single Judge of this Court records the number of occasions on which no appearance was put up on behalf of the Petitioner. It is probably for the said reason that the Learned Judge was constrained to dismiss the Petition for non prosecution on 26-3-2015. The reasons when the Learned Advocate for the Petitioner could not appear on 26-3-2015 and prior thereto have been mentioned in the above Civil Application. The Learned Counsel appearing for the Respondents oppose the application but ultimately leave it to this court.

2 In my view, since the Writ Petition has been dismissed on account of the non appearance of the Advocate on 26-3-2015 and since the Petition was pending hearing and final disposal, it would be just and proper to allow the above Civil Application and restore the above Petition to file. However, the same would be at pains of the Petitioner paying costs of Rs.2000/- each to the Respondent Nos.1 and 2. The same to be done within 4 weeks from date. The Civil Application is accordingly disposed of.

3 List the above Petition for final hearing after the ensuing Diwali Vacation.

[R.M.SAVANT, J]