

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1803 OF 2013
IN
WRIT PETITION NO.11122 OF 2012

Mrs. Draupadi Krishnarao Muglikar & Ors.] ... Applicants

And

Shri Krishnarao Govind Muglikar]
(Since Deceased)] ... Orig.Petitioner

Versus

Vishvas Ramchandra Kotekar and Anr.] ... Respondents

Mr. Vijay Kokitkar for Respondent No.1.

CORAM :- M. S. SONAK, J.
DATE :- MARCH 17, 2015

P. C. :-

1. None for the Applicants-Petitioner though this application seeks recall of order dated 18/04/2013 by which Writ Petition No.11122 of 2012 came to be dismissed for default.

2. The learned Advocate for Respondent No.1 is right in his submission that the applicants have adopted quite a casual approach

insofar as proceedings in the main petition as also proceedings for restoration are concerned. Nevertheless, looking to the reason set out in the civil application, it is clear that at least the applicants were not totally responsible as to the circumstances in which the Advocate engaged by them could not remain present before this Court and the Order dated 18/04/2013 came to be passed.

3. Taking into consideration the aforesaid circumstance, the delay of 46 days in taking out the application for restoration is condoned. Further, the order dated 18/04/2013, dismissing the petition for default, is recalled. Writ Petition No.11122 of 2012 is restored to file and the same shall be placed for admission on 06 April 2015 on supplementary board. All this is subject to the Applicants-Petitioner paying costs of Rs.5,000/- (Rupees Five Thousand Only) in favour of Respondent No.1, who has appeared through the Advocate in the present matter.

4. Costs must be paid on or before 06/04/2015.

5. Civil Application is disposed of accordingly.

(M. S. SONAK, J.)