

Sequeira

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

WRIT PETITION NO. 3858 OF 2014.

Shri Baban Krishna Pol

.. Petitioner

Vs.

Gomatiprasad L. Tripathi

(since deceased- deleted)

Smt. Soharattadevi

Kanhaiyalal Tripathi & ors.

.. Respondents

None for the Petitioner.

None for the Respondents.

CORAM: N.M.Jamdar J.

Tuesday 17 March, 2015

PC.:

None for the Petitioner.

2 By the impugned order dated 24 September 2013, the learned Small Causes Court Judge, Mumbai has set aside the order of dismissal of the suit and has restored the suit upon imposition of costs.

3 Perused the impugned order. The learned Judge has given cogent reasons why he has used the discretion to restore the suit which was dismissed for the absence of plaintiff and has awarded costs of Rs.10,000/-. No perversity is found in the exercise of discretion by the learned Small Causes Court Judge, in the

impugned order passed on 24 September 2013. The petition filed in January 2014 is pending, there is no interim order, the suit must have proceeded after restoration. No case is made out for interference. The petition is rejected.

(N.M.Jamdar J.)