

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.310 OF 2015
IN
WRIT PETITION NO.11257 OF 2013**

Balu Kanhu Gavade	...Applicant
<u>In the matter between</u>	
Balu Kanhu Gavade	...Petitioner
vs.	
Bal Gauru Hardas & Ors.	...Respondents

Mr. R. S. Datar for the Applicant.
None for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 3rd MARCH, 2015.

PC. :-

The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of the conditional order dated 5th September, 2014 passed by this Court. By the said conditional order, the Petitioner was directed to serve the Respondent No.5 within the time stipulated by the said order failing which the Petition was to stand dismissed for non-prosecution without further reference to the Court. The reasons why the above Civil Application has been filed only in February 2015 have been mentioned in the Civil Application. The Petitioner has also prayed for the deletion of the Respondent No.5 from the array of Respondents on the ground that the Petitioner has settled the matter with the Respondent No.5. In

my view, having regard to the reason mentioned in the Civil Application for the delay in filing the same, as also having regard to the fact that the Petitioner is seeking the deletion of the Respondent No.5 from the array of the Respondents, it would be just and proper to restore the Writ Petition to file. The Civil Application is, accordingly, allowed in terms of prayer clauses (a), (b) and (c). Amendment to be carried out within one week from date. List the Petition for admission on 17th March, 2015. In the interregnum the Respondent No.13 to be served by private advocates notice intimating him that the above Petition may be heard finally on the said adjourned date. The other Respondents who are according to the learned counsel are already served may also be issued private notice informing them of the said date. The Civil Application is, accordingly, disposed of.

(R. M. SAVANT, J.)