

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 332 OF 2015
IN
CIVIL REVISION APPLICATION NO. 148 OF 2007

Smt. Vinodini Madhav Gujar & Ors. .. Applicants
vs.
K. I. Somwar (Komati) .. Respondent

Mr. Atul Vanarse for Applicants.
Mr. P. M. Jadhav for Respondent.

CORAM : M. S. SONAK, J.
DATE : 22 JULY 2015

P.C. :-

1] This civil application is not on board. Upon mentioning, taken on board.

2] This civil application seeks restoration of CRA No. 148 of 2007, which was dismissed for non prosecution on 10 February 2011.

3] The circumstances due to which, the learned counsel for the applicants could not remain present when the order of dismissal for non prosecution came to be made have been explained in the civil application. The reason is overall satisfactory. However, it is necessary that the applicants should have been more diligent particularly since leave was granted to mention the matter for

restoration on the same date. The learned counsel for the respondent points out that even he had to wait the entire day in the Court as it was expected that the matter would be mentioned for restoration. however, no steps were taken. Even today, when this civil application is called out, neither the applicants nor their Advocate is present.

4] However, in the interests of justice, the civil application is made absolute in terms of prayer clause (a) subject to the applicants paying costs of Rs.5,000/- (Rupees Five Thousand) within two weeks from today. The costs should be deposited in this Court within a period of two weeks and in case the same are not deposited, this civil application is deemed to have been rejected. The costs once deposited, may be withdrawn by the respondent unconditionally.

5] Civil application is disposed of in the aforesaid terms.

6] After this order was pronounced, Advocate Mr. Vanarse appeared in the matter and has taken note of its contents.

(M. S. SONAK, J.)