

Sequeira

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

***CIVIL APPLICATION NO. 1372 OF 2014
in
WRIT PETITION NO. 1804 OF 1991.***

Balkrishna Narhar Kavade .. Applicant
Vs.
Jayant Vishnu Satpute. .. Respondent

Mr.P.J.Thorat, for the Applicant.
None for the Respondent.

***CORAM: N.M.Jamdar, J.
Thursday 30 April, 2015***

PC :

By this application, the Applicant seeks to restore the Writ petition which was dismissed for non-prosecution, on 4 October 2006.

2 Perused the application. The Applicant has explained in detail, the reasons why the matter went unattended and why there was a delay. The affidavit in reply has been filed by the Respondent wherein the grant of relief prayed for has been contested. However, the learned counsel for the Applicant has candidly admitted that it was a mistake of the advocate which is also stated in the application. For the mistake of the advocate, litigant should not suffer. The Civil application therefore, deserves to be allowed, however subject to costs. Accordingly Civil application is allowed

in terms of prayer clause (a) and (b), subject to Applicant paying costs of Rs.5,000/- to the Respondent, before 10 June 2015.

3 List the petition on board for 'final hearing' in the week commencing from 8 June 2015, as the petition is of the year 1991.

(N.M.Jamdar, J.)