

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 1030 OF 2015

IN

WRIT PETITION NO. 1018 OF 2006

WITH

CIVIL APPLICATION NO. 1031 OF 2015

IN

WRIT PETITION NO. 1087 OF 2006

Dr. N. P. Tolani (HUF) & Anr. .. applicants

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. S. R. Kulkarni, Advocate for the applicants

Mr. C. P. Yadav, AGP for the State

CORAM:-ANOOP V. MOHTA &

V. L. ACHLIYA, JJ.

DATED : -21/07/2015

P.C.

The petitioner has taken out the present civil application for restoration of the writ petition, which was dismissed on 16th March, 2012 for want of prosecution. The matter was dismissed from the final hearing board as none appeared for both

the parties.

2 Considering the averments made in paragraphs 5 to 12 and as sufficient case is made out and as the issue is covered in favour of the petitioner as stated, therefore, in the interest of justice, we are inclined to grant the application of restoration. This is also for the reason that there was no intention to get the matter dismissed. Considering the issues and the prayers so made in the petition, the petitioner should not suffer because of non-communication of advocate.

3 Therefore, the application is allowed in terms of prayer clauses (a), (b) and ©, subject to cost of Rs.10,000/- each to be deposited with Legal Aid Committee within two weeks from today.

4 However, it is made clear that so far as the interim order is concerned, it was vacated on 16th March, 2012 and as we are restoring the petition today, any events or change of circumstances, which respondents think it necessary to decide to continue the interim order, they are at liberty to take out appropriate application, as statement is made that there is no change of

circumstances and they are in possession of the property in question.

(V. L. ACHLIYA, J.)

(ANOOP V. MOHTA, J.)

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