

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

CIVIL APPLICATION NO.1794 OF 2015

IN

WRIT PETITION NO.3413 OF 2001

John Francis Dias s/o Mr. Dias Francis

.. Applicant

Versus

The Indira Parvati Co-op. Housing Society Ltd.

and another

.. Respondents

Ms. Pallavi Patil i/by Mr. S. L. Suryavanshi, for the Applicant.

Mr. M. R. Phal, for original Respondent No.2 & for Applicant in Civil Application No.1791 of 2015.

CORAM : R.M. SAVANT, J.

DATE : 08th JULY, 2015

PC.

1. The above Civil Application has been filed for restoration of Civil Application No.1815 of 2008 filed in the above Petition which has stood dismissed for non-prosecution on 14.08.2009 on account of the conditional order passed in a group matters by a Learned Single Judge of this Court. The Applicant also prays for condonation of delay in filing application, the same is attributed to the fact that the Applicant was not aware of the dismissal of the above Civil Application for non-prosecution in view of the fact that the Petition has been admitted in the year 2001

and he was under an impression that the Civil Application would not be listed. The Learned Counsel appearing for the Respondent No.2 Mr. M. R. Phal fairly submits to the orders of the Court. Since the Civil Application has been dismissed for non-prosecution on account of the conditional order dated 14.08.2009, in my view, it would be just and proper to allow the instant Civil Application. It is accordingly allowed and resultantly, Civil Application No.1815 of 2008 is restored to file.

[R.M. SAVANT, J]