

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

**CIVIL APPLICATION NO.685 OF 2014
IN
CIVIL REVISION APPLICATION NO.206 OF 2006**

**M/s. T.A.A. Constructions : Applicant.
versus
The Kalyan Agricultural Produce
Marketing Committee : Respondent.**

**Mr. K M Jawle for the Applicant.
Mr. K J Hakani for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 15th January 2015**

P.C.

1 The above Civil Application has been filed for restoration of the above Civil Revision Application which has stood dismissed for non-prosecution on 2/7/2014 on account of non-appearance of the learned advocate for the Applicant on the said day. The reasons for non-appearance of the advocate for the Applicant on the said day are mentioned in Paragraph Nos.3 and 4 of the Civil Application. An affidavit in reply has been filed on behalf of the Respondent questioning the reasons mentioned in the Application and also objecting to the restoration on the ground that earlier also the above Civil Revision Application has been dismissed for non-prosecution.

2 In so far as earlier occasion is concerned, the learned counsel for the Applicant Shri Jawle states that when his junior advocate was on the way

to attend the matter, she unfortunately met with a mishap on the road near the High Court on account of which she could not remain present on the said day. In so far as the present dismissal is concerned, the reasons why the advocate for the Applicant could not remain present, as indicated above, have been mentioned in paragraph Nos.3 and 4 of the Civil Application.

3 Having regard to the fact that the above Civil Revision Application has been dismissed on account of non-appearance of the advocate for the Applicant and not on merits, it would be just and proper to allow the above Civil Application and restore the above Civil Revision Application to file. In the facts and circumstances of the instant case, the Applicant to pay costs of Rs.2000/- to the Respondent within a period of two weeks from date. The cheque of the costs to be tendered to the learned counsel Shri Hakani in the name of the Respondent. On restoration, list the above Civil Revision Application for final hearing after two weeks. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]