

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

CIVIL APPLICATION NO.3086 OF 2015

IN

WRIT PETITION NO.377 OF 1996

George Jacob D'Souza

.. Applicant

Versus

Neville A. D'Souza

.. Respondent

Mr. S. G. Deshmukh, for the Applicant.

Mr. P. S. Gidwani, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 7th DECEMBER, 2015

PC.

1. The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of the non-appearance of the Learned Advocate for the Petitioner on 2nd July 2015. The reasons for the non-appearance of the Advocate on the said day when the Petition was called out are mentioned in paragraphs 3 and 4 of the Civil Application. On behalf of the Respondent an affidavit in reply has been filed contesting the case made out by the Petitioner. In my view, having regard to the fact that the above Writ Petition was pending hearing and final disposal since the year 1996 and also having regard to the reasons mentioned in paragraphs 3 and 4 of the Civil

Application, the same is required to be allowed and accordingly allowed. Resultantly, the Petition is restored to file. List the Petition for final hearing after the ensuing Christmas Vacation in the week commencing 4th January 2016. There would be ad-interim relief in terms of prayer clauses (a) and (b).

[R.M. SAVANT, J]