

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

**CIVIL APPLICATION OF 68 OF 2014
IN
LETTERS PATENT APPEAL NO.40 OF 2004
IN
WRIT PETITION NO.7223 OF 2002**

Shri Datta Panchayatan Trust
represented by its trustees
2. Mr. Dattatraya Yashwant Phadake
and ors.

.. Appellants.
Original Petitioner
in W.P. No.7223
of 2000

V/s

1. Mr. Maruti Malu Salunkhe and ors.

.. Respondents
Original Respondents
in W.P. No.7223
of 2000

Pallavi Dabholkar, for the Appellants.
Mr. Anilkumar Patil, for the Respondents No.2, 7 to 11.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 10th July, 2015

P.C.

1. Heard.

2. In view of the reasons stated in the application and

considering the submissions advanced, we are inclined to restore the appeal, which was dismissed by this court's order dated 3rd April, 2013 for non-prosecution. The learned counsel appearing for the respondents has opposed the restoration. The application is allowed. The order passed by this Court dated 3rd April, 2013 dismissing the Letters Patent Appeal No.40 of 2004 for non-prosecution is recalled. The Letters Patent Appeal No.40 of 2004 be listed for final hearing as per its turn.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)