

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 711 OF 2013
IN
WRIT PETITION NO. 5339 OF 1993

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. Vivek R. Walawalkar with Sameer R. Bhalekar and Ms
Preeti Brahmania i/b. S. M. Kazi for Applicants /
Petitioners.
Mr. Kunal Bhanage for Respondent No. 2.

CORAM : M. S. SONAK, J.
DATE: 03 JULY 2015

P.C. :-

1] This civil application seeks recall of order dated 24
March 2015, by which, this Court, restored the writ petition
which had been dismissed for default by order dated 4
February 2011.

2] The reason set out in the present civil application is
that on 24 March 2015, the Junior Advocate who was
instructed to appear was not well, and therefore could not
attend. Even if this reason is accepted, the fact remains
that the writ petition was dismissed for default on 4

February 2011 and restoration could not be applied for earlier, as the Advocate who was engaged in the matter had expired and thereafter, the matter remained unattended.

3] The reason cited in the present civil application is also that the Advocate of the respondents was in some difficulty on 24 March 2015 and that is the sufficient ground to recall the order dated 24 March 2015. Since, the order dated 24 March 2015 came to be made by accepting substantially the similar reason, though in the context of the Advocate for the petitioners, there is no reason to recall the order dated 24 March 2015.

4] Accordingly, civil application is dismissed.

(M. S. SONAK, J.)