

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

CIVIL APPLICATION NO.186 OF 2015

IN

WRIT PETITION NO.7414 OF 2011

Amrut Rakhamasa Kshatriya

.. Applicant

Versus

Shri. Barjor Rustam (Rustomji) Joshi

and others

.. Respondents

Ms. A. R. S. Baxi, Advocate for the Applicant.

CORAM : R.M. SAVANT, J.

DATE : 30th JANUARY, 2015

PC.

1. The above Civil Application has been filed for restoration of the above Writ Petition which was disposed of by order dated 16th October, 2012 in view of the fact that the above Writ Petition had turned infructuous in view of the dismissal of the suit for non-prosecution. However, by order dated 17.07.2014 passed by the Learned Joint Civil Judge, Senior Division, Nashik, the dismissal of the suit has been set aside and the suit is restored to file. By the said order dated 16th October, 2012, the right of the Applicant/Petitioner to get the suit restored to file was reserved, if the contingency so arose in future. Since the suit is now restored to file, the Writ Petition would accordingly have to be also restored to file. The Civil Application is allowed in terms of prayer clause

(b) and the Writ Petition is accordingly restored to file. List the Writ Petition for admission after two weeks. Civil Application is accordingly disposed of.

[R.M. SAVANT, J]