

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1809 OF 2014
IN
CIVIL APPLICATION NO. 2421 OF 2012
AND
CIVIL APPLICATION NO. 2421 OF 2012
IN
WRIT PETITION NO. 7284 OF 2005

Sushila J. Tiwari @

Sushila D. Pande

..Applicant/Petitioner

vs.

Jagdish R. Halwai and ors.

.. Respondents

Mr I. S. Yadav for the Applicant/Petitioner.

Mr. S.M. Vyas for Respondent Nos.2,4 & 5.

CORAM : M. S. SONAK, J.

DATE : 28 SEPTEMBER 2015.

P.C. :-

1] Civil Application No. 1809 of 2014 is for restoration of Civil Application No. 2421 of 2012. Civil Application No. 2421 of 2012 is for restoration of Writ Petition No. 7284 of 2005.

2] As contended by the learned counsel for the Respondent Nos.2,4 & 5, it is true that there is some negligence on the part of the Petitioner in prosecuting the matter. However, reasons have been set out in the Civil Applications as to the circumstance in which the learned counsel for the Petitioner could not remain present or could not take steps in the matter. Therefore, considering the same it

would be appropriate if yet another opportunity is granted to the Petitioner subject to payment of exemplary costs.

3] Accordingly, Civil Application No. 1809 of 2014 is allowed and Civil Application No. 2421 of 2012 is restored. Similarly, Civil Application No. 2421 of 2012 is also allowed and Writ Petition No. 7428 of 2005 is restored. All this is subject to the Petitioner paying costs of Rs.25,000/- to Respondent Nos.2,4 and 5. The costs to be paid to Respondent No.2 (Mother), who shall accept the same on her behalf and on behalf of Respondent Nos.4 and 5 as well. If such costs are paid within two weeks from today, Civil Application Nos.1809 of 2014 and 2421 of 2012 shall stand allowed. If however, the costs are not paid, the two Civil Applications shall stand dismissed and the interim orders made therein shall stand vacated.

4] If the costs are paid, place the Writ Petition No. 7284 of 2005 for admission on 13 October 2015 on the supplementary board (High on Board).

(M. S. SONAK, J.)

CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**