

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

CIVIL APPLICATION NO.2065 OF 2015

IN

CIVIL APPLICATION NO.705 OF 2011

IN

WRIT PETITION NO.4388 OF 2006

Sundarabai Laxminarayan Agarwal

(Since deceased through her legal representative)

Shri. Vinint Vijay Garg

.. Applicant

Versus

Shri. Mohanlal Motilal Jain and others

.. Respondents

Shri. Sanjay Kshirsagar, for the Applicant.

**Shri. Sandeep Phatak i/by Shri. S. B. Deshmukh, for the Respondent
Nos.1 to 4.**

CORAM : R.M. SAVANT, J.

DATE : 5th OCTOBER, 2015

PC.

1. The above Civil Application is filed for restoration of the Civil Application No.705 of 2011 which has been dismissed for non-prosecution on account of the non-appearance of the advocate on 09.09.2011. The reasons why the advocate could not appear on the said day are mentioned in the Civil Application. The Civil Application is opposed to on behalf of the Respondent Nos.1 and 4. In my view, since the Civil Application has

been dismissed on account of the non-appearance of the advocate on the said day, it would be just and proper to allow the above Civil Application and accordingly restore the Civil Application No.705 of 2011 to file. The Civil Application is accordingly disposed of. List the Civil Application No.705 of 2011 for hearing after two weeks.

[R.M. SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.