

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2959 OF 2015
IN
WRIT PETITION NO.2440 OF 2014**

Pramod Yashwant Panse

..Applicant

Vs.

Yashwant Vinayak Deo

..Respondent

Mr. Vaniti Pandit i/b N.V. Vechalekar & co. for the Applicant

CORAM : R. M. SAVANT, J.

DATE : 11th DECEMBER, 2015

P.C.

1 The above Civil Application has been filed for restoration of the above Petition which has stood dismissed for non prosecution on account of the conditional order dated 11-8-2015. By the said order, the Petitioners were to take steps to serve the Respondent failing which the Petition was to stand dismissed for non prosecution. On the ground that the Petitioner has not taken steps to serve the Respondent that the said conditional order became operational and the Petition came to be dismissed for non prosecution. In fact the Respondent was served and in evidence thereof the acknowledgment has been annexed to the above Civil Application. Hence the above Civil Application is required to be allowed in view of the fact that the Writ Petition was wrongly dismissed for non prosecution when in fact the Respondent was served. The Writ Petition is according restored to file. List the Writ Petition for admission after the ensuing Christmas Vacation. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]