

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

**CIVIL APPLICATION NO.3034 OF 2015
IN
WRIT PETITION NO.3534 OF 2000**

**M/s. Laherchand Chunilal & Co. : Applicant.
Versus
Vasant Lalji Shah : Respondent.**

**Mr. P S Dani, Senior Advocate i/by M/s. Kiran Jain & Co. for the Applicant.
Mr. G V Mhatre for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 26th November 2015**

P.C.

1 The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed on account of non-appearance of the advocate on 17/06/2011 when the Petition was listed for final hearing. The reasons why the advocate could not remain present are mentioned in paragraphs 7, 8 and 10 of the Civil Application. The sum and substance of the reasons is that the non-appearance is a bonafide mistake and due to over sight and is not deliberate or intentional.

2 The learned counsel appearing for the Respondent opposes the above Civil Application but ultimately leaves it to the Court.

3 Considering the fact that the Petition was pending hearing and

final disposal and has been dismissed for non-prosecution, it would be just and proper to allow the Civil Application. The above Civil Application is accordingly allowed. Resultantly the above Writ Petition is restored to file. For the inconvenience caused to the Respondent, the Applicant/Petitioner to pay costs of Rs.3,000/- to the Respondent within four weeks from date. List the above Writ Petition for final hearing after the ensuing Christmas Vacation in the week commencing 11/01/2016. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]