

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.25 OF 2015
IN
WRIT PETITION NO.10073 OF 2013**

Shamibai Rago Mhatre (deceased) through Kamlakar Mhatre
..Applicant

In the matter between

Shamibai Rago Mhatre (deceased) through Kamlakar Mhatre
..Petitioner

Vs.
Chandrabai Kabir Patil & Anr.
..Respondents

Mrs. S. H. Rajak i/b Mr. Yogesh Keny for the Applicant

CORAM : R. M. SAVANT, J.
DATE : 23rd MARCH, 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 4-3-2014 on account of the non appearance of the Advocate on the said date. The reason why the Advocate has not appeared on the said day is mentioned in the above Civil Application. The Applicant also seeks condonation of delay of 262 days in filing the above Civil Application. The reasons therefor are also mentioned in the above Civil Application and especially in paragraph 5 thereof. Since the Petition has been dismissed for non prosecution, in my view, it is just and proper to grant a final indulgence to the Petitioner to prosecute the above Petition on merits. The above Civil Application is accordingly allowed, resultantly the Writ Petition is restored to file. The Petitioner to deposit costs of

Rs.500/- with the Maharashtra Legal Aid Fund within two weeks from date and file the receipt in the proceedings. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]