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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.279 OF 2015 IN
WRIT PETITION NO.767 OF 2014

M/s.Vallabh Engineering Works	...Applicant
In the matter between	
M/s.Vallabh Engineering Works	...Petitioner
vs.	
The State of Maharashtra & Ors.	...Respondents

Ms Jyoti Khade i/b Law Juris for the
applicant/petitioner
Mr.Jayesh Mestry i/b RMG Law Associates for the
respondent No.4
Ms Geeta Joglekar for BMC.

CORAM : A.S.OKA, &
K.R.SHRIRAM,JJ.
DATE : AUGUST 26, 2015

P.C.:

1 Heard the learned counsel for the applicant (writ petitioner in the Writ Petition). Writ Petition filed by the applicant was dismissed for non prosecution on 15th September 2014 as the Advocate for the applicant did not appear. The learned counsel for the respondent No.4 opposes the Notice of Motion on the ground that the respondent No.4 has returned the subject property back to the original owner. This aspect will have to be considered when the petition is heard on merits.

2 In view of the averments made in the paragraphs 4 and 5 of the affidavit in support, a case for condonation of delay and restoration of the petition

is made out. Accordingly, Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

3 We make it clear that as and when the Writ Petition is fixed for admission, no adjournment will be granted to the Applicant.

(K.R.SHRIRAM,J.)

(A.S.OKA,J.)