

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 CIVIL APPLICATION NO. 8645 OF 2016
IN WP/9361/2013

ARVIND NIVRATI BHISE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr.KN Farooqui, Adv.
h/for Mr. Khillare Ramdas E
Mr. SW Mundhe, AGP for Respondents: 1 to 4;

CORAM : P.R.BORA, J.

DATE : 15th July, 2016.

PER COURT :

1) Heard. The present application is filed seeking restoration of Writ Petition No. 9361/2013, which has been dismissed in default vide order passed by this Court on 5th October, 2015.

2) The learned counsel submitted that since the counsel appearing for the petitioner was required to attend funeral of his relative at the relevant time, he could not attend the proceeding and that was the reason the petition was dismissed for default. The learned Counsel

further submits that thereafter in contacting the client and for preparing application etc. some time is consumed. The learned Counsel further submits that the petitioner needs to be given opportunity of contesting the matter on merits.

3) Considering the submissions so made by learned counsel, only with a view that the matter should be decided on merits and the litigant be given a fair opportunity to contest the matter on merits, the civil application deserves to be allowed.

4) The order dated 5th October, 2015 is recalled and the writ petition is restored to its original file. The delay caused in filing the application is also condoned. The Civil Application stands disposed of.

5) The petitioner shall promptly proceed with the matter without seeking any further adjournment.

(P . R . BORA)
JUDGE

bdv/