

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

**CIVIL APPLICATION NO. 1086 OF 2016
IN
WRIT PETITION NO. 6363 OF 2000**

Queen's Mary Technical Institute	...Petitioner / Applicant
VS.	
Mr.Ajitkumar Jaiswal & Anr.	Respondents

Mr.R.S. Pai with Anand Pai with A.K. Gopalan I/b. Haresh Mehta & Co. for
Petitioner.
Mr.Sanjay Kshirsagar for Respondent No.1.

CORAM : S.C. GUPTE, J.

16 JUNE 2016

P.C. :

The civil application is for modifying an order dated 9 November 2006. The order of 9 November 2006 records that the present petition was disposed of by an order dated 9 June 2002. It is the case of the Applicant, who is the original Petitioner, that there is no order dated 9 June 2002 found in the papers and proceeding. The Applicant is not aware as to the disposal of the writ petition on any date. There is no order of disposal of the petition on record.

2 Learned Counsel for the Respondents has filed an affidavit in reply placing on record an order passed on 8 April 2002 on an application for restoration. The status of that application shows as rejected. It is submitted on the basis of this order that not only is the writ petition dismissed, but that an application for restoration has also been rejected. It is, however, important to note that the rejection of the restoration application is of 8 April 2002, whereas the purported order of dismissal of the petition, which is noted in the order dated 9 November 2006, is of 9 June 2002. There is no order in the proceedings of 9 June 2002. So also, as I have noted above, there is no order of any other earlier or later date indicating that the petition was dismissed. In the premises, the civil

application will have to be allowed. The reference to the order of disposal of 9 June 2006 in the order dated 9 November 2006 is deleted and the writ petition is treated as pending before this court. The writ petition shall now appear for final hearing on 30 June 2016.

3 The civil application is disposed of accordingly.

(S.C. Gupte, J.)