

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

**CIVIL APPLICATION NO.1925 OF 2016
IN
WRIT PETITION NO.1271 OF 2011**

**Mumbai Mahangarpalika Karyalayeen
Karmachari Sanghaatana : Applicant.
versus
Municipal Corporation of Greater Mumbai : Respondent.**

**Mrs. Vidula Patil i/by Mr. Prakash Devdas for the Applicant.
Mr. Vinod Mahadik for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 01st September 2016**

P.C.

1 The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of the conditional order dated 26/08/2011. The said conditional order mandated the Applicant to pay Bhatta charges within the stipulated time. On account of the default being committed by the Applicant Petitioner the said conditional order became operational and resultantly the above Writ Petition stood dismissed for non-prosecution.

2 The instant Civil Application has been filed on 02/02/2015 and the ground made out is that the Petitioner was not aware, as also the conditional order was not made available, therefore, the Bhatta could not be paid in time.

3 The only Respondent is the Municipal Corporation of Greater Mumbai who is represented by the learned counsel Shri Vinod Mahadik. The learned counsel appearing for the Respondent Municipal Corporation of Greater Mumbai Shri Vinod Mahadik opposes the above Civil Application on the ground of delay.

4 Since the above Writ Petition had stood admitted on 28/02/2011 and has been dismissed for non-prosecution on account of a technical reason, it would be just and proper to show a final indulgence to the Petitioner above named. Hence accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the above Writ Petition is restored to file. The Petitioner to deposit costs of Rs.3000/- with State Legal Aid Fund within four weeks from date.

5 In view of the fact that the above Petition is restored to file, the learned counsel appearing for the Respondent Municipal Corporation of Greater Mumbai Shri Mahadik waives notice of the Petition on behalf of the Respondent Municipal Corporation of Greater Mumbai. The learned counsel appearing for the Applicant/original Petitioner states that a copy of the Petition would be served upon the MCGM within one week from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]