

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

**CIVIL APPLICATION NO. 1416 OF 2016
IN
WRIT PETITION NO. 514 OF 2009
ALONG WITH
CIVIL APPLICATION (ST) NO. 6417 OF 2016
IN
WRIT PETITION NO. 514 OF 2009**

Smt. Shinwarbai Tukaram Patil & Ors. ... Applicants
V/s.
The City & Industrial Development
Corporation (Mah) Ltd. & Ors. ... Respondents
...
Mr. Sudhir C. Halli for the Applicant.
Mr. P. G. Sawant, AGP for the Respondent.

**CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 30 AUGUST, 2016.**

P.C. :

1. The Civil Application (ST) No. 6417 of 2016 is not on board, it is taken on board.
2. These two applications disclose that the sole Petitioner in the main Writ Petition died on 27th December 2012. In both civil applications filed by the legal representatives of the original writ petitioner, it is stated that the applicants were not aware about the

pendency of the Writ Petition till the year 2015.

3. Reasons have been set out in Civil Application No. 1416 of 2016 as to why the Advocate appointed by the Writ Petitioner could not appear on the day on which the Writ Petition was called out and was dismissed for non-prosecution. In fact, on 14th January 2016 the Writ petition could not have been listed on the final hearing cause list as the sole writ petitioner was no more.

4. In view of this factual position, we pass the following order;

- a) The Order dated 14th January 2016 is recalled and Writ Petition No. 514 of 2009 is restored to the file;
- b) Civil Application (ST) No. 6417 of 2016 is allowed in terms of prayer clause (a). Amendment shall be carried out within a period of a two weeks from the date on which this order is uploaded on the website of this Court;
- c) Civil Application No. 1416 of 2011 is disposed of in terms of this order;

- d) If amendment is not carried out within stipulated period, order of dismissal will stand. If the amendment is carried out, the Registry to issue notice of restoration to 1st and 2nd Respondents, returnable on 24th October 2016;

(A. A. SAYED, J.)

(A. S. OKA, J.)