

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.751 OF 2016
IN
WRIT PETITION NO. 2385 OF 2015**

Dashrathbhai Mohanbhai Shah & Ors

..Applicants

Vs.

Namdev Mahadu Polekar & Ors.

..Respondents

Ms Jaishree Surti i/b S. Ashwinikumar & Co. for the Applicants

CORAM : R. M. SAVANT, J.

DATE : 1st APRIL, 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 21-12-2015 passed by a Learned Single Judge of this Court. By the said order, the Petitioners were directed to serve the Respondents and were put to notice that if no steps were taken to serve the Respondents, the Petition would stand dismissed for non prosecution. It is the case of the Applicants that the Respondents were in fact served, however the affidavit of service could not be filed as the matter was not listed. The affidavit of service is now tendered across the bar which indicates that the same is affirmed on 19-1-2016. Since the above Petition has been dismissed for non prosecution, it would be just and proper to restore the above Petition. The Civil Application is accordingly allowed resultantly the Writ Petition is restored to

file. List the Petition for admission on 26-4-2016. The Learned Counsel for the Applicants to inform the Respondents of the said date.

2 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]