

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1119 OF 2016
IN
WRIT PETITION NO. 4312 OF 1991**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. P.N.Joshi, Advocate for Applicants.
Mr. M.S.Lagu, Advocate for Respondents no.1B and 1C.

CORAM: R.G.KETKAR, J.
DATE : 19/08/2016

PC:

1. Heard Mr. P.N.Joshi, learned counsel for the applicants and Mr. M.S.Lagu, learned counsel for the respondents no.1B and 1C.

2. This is an application for recalling the order dated 7.4.2016 by which the Petition was dismissed in default. Mr. Lagu has strenuously opposed the application on the ground that in the past the writ petition was dismissed in default on three occasions.

3. Having regard to the fact that the Petition is instituted by landlord, delay in

prosecuting the petition will not enure to his benefit.

4. In view thereof and for the reasons stated in the Application. Civil Application is allowed in terms of prayers clause (a) and (b) with no order as to costs. Writ Petition along with Civil Application No. 1120 of 2016 is restored to its file to original position.

(R.G.KETKAR,J.)