

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

**CIVIL APPLICATION NO.199 OF 2012
IN
WRIT PETITION STAMP NO.5942 OF 2003**

REJECTED CASE NO.1655 OF 2004

**Prakash Narayan Ghalsasi & ors. : Applicants/Petitioners.
Versus
Babu Laxman Patole & ors. : Respondents.**

**Mr. A M Kulkarni for the Applicants/Petitioners.
Mr. M S Ansari i/by Mr. R M Momin for the Respondent Nos.1A and 1B.**

**CORAM : R. M. SAVANT, J.
DATE : 25th 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 21/06/2004. The Applicants/Petitioners also apply for condonation of delay in filing the Civil Application. The reasons therefor are mentioned in the Civil Application.

2 The learned counsel appearing on behalf of the Respondent Nos.1A and 1B opposes the Civil Application, but ultimately leaves it to this Court.

3 The reasons for the delay as mentioned in the Civil Application is

that the Applicants i.e. the original Petitioners became aware of the order in the year 2009.

4 In my view, since the above Petition has been dismissed on a technical ground and though there is some delay in filing the Civil Application, the Petitioners are required to be given one final indulgence so as to pursue the above Petition on merits. The above Civil Application is therefore allowed. Resultantly, the Writ Petition is restored to file. List the Writ Petition for admission on 07/06/2016. In the facts and circumstances of the present case, the Applicants/Petitioners to pay costs of Rs.3,000/- to the Respondent Nos.1A and 1B within four weeks from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]