

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1880 OF 2016
IN
WRIT PETITION NO. 11285 OF 2014

Tazddin Kasam Moosa Hirani .. Applicant
V/s
Municipal Corporation of Greater Bombay
and Ors. .. Respondents

Ms. Smita R. Gaidhani for the applicant.
Mr. Vinod Mahadik for the respondent – BMC.

CORAM: D.H. WAGHELA, CJ.

DATE : 1st AUGUST 2016

P.C.:

This application is made with the prayer to recall the order dated 17th June 2016 and thereby restore the original Writ Petition No. 11285 of 2014.

2. The respondents are stated to have been served and the learned counsel Mr. Mahadik appears for respondent no.1. As stated in the application, the applicant has appointed learned advocate Mr. A.M. Rajabally to represent him in the main petition. As the advocate for the applicant was not present on 17th June 2016, the petition came to be dismissed. The applicant came to know about the dismissal on 15th July 2016 when he visited the advocate and has

filed the application in time.

3. It was submitted that since the learned advocate entrusted with the matter did not attend and did not even inform about the dismissal of the matter, the applicant should not suffer. Even as the main matter was being entertained and learned counsel for the respondents had appeared, in absence of any serious objection, the application is allowed and the original Writ Petition No. 11285 of 2014 is ordered to be restored to file and may be listed for hearing on 30th August 2016. There will be no order as to costs.

(CHIEF JUSTICE)