

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1755 OF 2016
IN
WRIT PETITION NO. 4986 OF 1995

Kashinath Ramchandra Vaidya (Since Deceased)
through his legal heirs Shashikant Kashinath
Vaidya & Ors.

.. Applicants

V/s

Ranganath Maruti Unkule

.. Respondent

Mr. V.P. Patankar for the applicants.
None for the respondent.

CORAM: D.H. WAGHELA, CJ.

DATE : 20th JULY 2016

P.C.:

This application is made for restoration of the main Writ Petition No. 4986 of 1995 which was dismissed on 16th July 2015 with the order as under:-

“1) On 8 June 2015, this matter was adjourned at the behst of Mr. Patankar. However, it was made clear that this was the last chance. Thereafter on 2 July 2015 Mr. Patankar once again applied for adjournment. Today, when the matter is called out, Mr. Gole states that Mr. Patankar is unavailable and cannot proceed with the matter.

2) *In this view of the matter, this petition is dismissed for non prosecution.”*

2. No one is present for the respondent and it is fairly stated by the learned counsel Mr. Patankar that by now learned advocate for the respondent would have returned his papers and may not have any authority to participate or appear for the respondent. Therefore, it was put to learned counsel Mr. Patankar that notice can be issued in the present application on condition of deposit of appropriate amount which may be awarded by way of costs to the respondent. Responding to that, learned counsel Mr. Patankar has kept the applicant no.3(b) personally present in the Court and on his instructions he submitted that the present application may be dismissed as the applicants are not in a position to deposit any amount which the Court may impose as costs to be deposited in advance. Accordingly the application is dismissed.

(CHIEF JUSTICE)