

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2511 OF 2016
in
WRIT PETITION NO.11466 OF 2013t

Sou Manik Ashok Salunkhe ..Applicant

vs

Suryakant Baapurao Hivrekar & ors .. Respondents

Mr.Vivek Salunkhe for Applicant
Mr.A.S.Kalekar I.b Mr.Jaydeep Deo for
Respondent no.1

CORAM: G.S.KULKARNI, J

DATE: 1 OCTOBER 2016

P.C.

1. By this civil application the applicant has prayed for setting aside order dated 19 July 2016 whereby the writ petition was dismissed for default. The respondent no.1 was represented through its Advocate at the relevant time.

2. I have perused the averments made in the civil application. Admittedly it appears that the petitioner was not diligent in pursuing these proceedings in as much earlier this writ petition was dismissed for non prosecution.

3. However, considering the averments made in para 9, it would be in the interest of justice to give the applicant one more

opportunity to pursue this writ petition. It would be in the interest of justice that the writ petition be restored to the file of this Court to be heard on merits.

Civil Application is accordingly allowed in terms of prayer clause (a) which reads thus:

(a) “this Hon'ble Court may kindly be pleased to restore the present writ petition to its file by setting aside order dated 19.7.2016 passed by this Hon'ble Court and thereafter the writ petition may be heard on its merits.”

No order as to costs.

G.S.Kulkarni, J

Rng

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