

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.181 OF 2015
IN
PUBLIC INTEREST LITIGATION NO.56 OF 2010

Jagdish s/o. Vasant Patil	...Applicant
vs.	
State of Maharashtra and Others	...Respondents

Mr. Anand Mishra i/b. Mr. A.M. Saraogi, for the Petitioner
Ms. M.P. Thakur, AGP for Respondent No. 1.
Mr. S.A. Sawant, for Respondent Nos. 2 to 4.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : JULY 07, 2016

PC.:

1. Heard the learned counsel for the parties on Civil Application No. 181 of 2015 seeking restoration of Public Interest Litigation No. 56 of 2010. For the reasons stated in the application, the delay in filing Civil Application is hereby condoned.

2. The learned counsel for the Respondents submit that since Public Interest Litigation has been dismissed on merits, the remedy to the Petitioner lies elsewhere.

3. However, we have gone through the order of dismissal of Public Interest Litigation. We find that only *prima facie* the conclusion has been recorded by the Division Bench about the maintainability of the Public Interest Litigation but in the operative part of the order the dismissal is for want of prosecution as the learned counsel for the Petitioner was absent when the matter was called.

4. We have also gone through the reasons stated in the Civil Application for restoration of Public Interest Litigation which suffers dismissal for want of prosecution. On going through the same, we find that there was justified reason for non appearance of the learned counsel when the matter was called. Therefore, the Civil Application is allowed. Accordingly the Public Interest Litigation No. 56 of 2010 is restored to its original file.

5. List the Public Interest Litigation before the appropriate Bench for hearing after two weeks. Civil Application is disposed of.

(M.S. KARNIK, J.)

(S.S. KEMKAR, J.)