

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2633 OF 2016

IN

WRIT PETITION NO. 10039 OF 2016

Shri Namdeo Krushna Thamake & Ors.

**...Applicants/
Petitioners**

Versus

Shri Balu Baban Khune & Ors.

...Respondents

Mr. Rahul B. Vijaymane, i/b Satyajeet Rajeshirke, for the
Applicants/Petitioners.

CORAM : K.K. TATED, J.
DATE : 18th October 2016

P.C. :

1. Heard the learned Counsel for the Applicants. This Application is for restoration of Writ Petition (St.) No. 8761 of 2015, which was dismissed for default on 19th August 2016. The learned Counsel for the Applicants submits that on 15th August 2016 the family member of the Advocate on record was expired and therefore, no one appeared on behalf of the Petitioners on that date.

2. Considering the submissions made by the learned Counsel for the Applicants and reasons disclosed in paragraph 3 of the Civil Application, I am satisfied that the Applicants have made out a case for allowing the present Civil Application. Hence, the following order:-

- (i) Order dated 19th August 2016 passed by this Court is recalled.
- (ii) Writ Petition (St.) No. 8761 of 2015 [Writ Petition No. 10039 of 2016] is restored to file for hearing and final disposal on its own merits.
- (iii) Civil Application stands disposed of accordingly.

[K.K. TATED, J.]