

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2631 OF 2016

IN

WRIT PETITION NO. 251 OF 2016

Sau. Jyoti Janardan Padyal & Ors.

...Applicants

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Prasanna Kishor Shahane, i/b Shailesh Chawan, for the Petitioner.

Mr. Sachin Kankal, AGP for Respondents No. 1 and 2.

CORAM : K.K. TATED, J.

DATE : 18th October 2016

P.C. :

1. Heard the learned Counsel for the parties. This Application is for restoration of Writ Petition No. 251 of 2016, which was stands dismissed for default by order dated 29th August 2016, as no one appeared on behalf of the Petitioners. The learned Counsel for the Applicants submits that on 26th August 2016, the Advocate on record was held up before the Division Bench and therefore, it

remained on his part to appear before this Court. In support of his contention, Advocate for the Applicants relies on paragraph 2 of the Civil Application.

2. Considering the submissions made by the learned Counsel for the Applicants and the reasons disclosed in paragraph 2 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) Civil Application is allowed in terms of prayer clause (a) which reads thus :-

“(a) This Hon'ble Court may be pleased to restore the aforesaid Writ Petition No. 251 of 2016 in its original position in the interest of justice.”

- (ii) Civil Application stands disposed of accordingly.

[K.K. TATED, J.]