

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

**CIVIL APPLICATION NO.2945 OF 2016
IN
WRIT PETITION NO.10187 OF 2016**

**Neeraj Mourya : Applicant/Petitioner.
versus
Ambalika Gupta : Respondent.**

Ms. Kiran Jadhav i/by Anup Khaitan and Co. for the Applicant/Petitioner.

**CORAM : R. M. SAVANT, J.
DATE : 15th December 2016**

P.C.

1 At the outset leave to amend is granted so as to include the prayer for condonation of delay in filing the above Civil Application. Amendment to be carried out forthwith.

2 The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of the non-appearance of the Advocate for the Petitioner on 20/08/2016. The Applicant also prays for condonation of delay in filing the above Civil Application. The reasons for non-appearance of the advocate for the Petitioner are mentioned in the above Civil Application. The Petition was dismissed on the ground that on the earlier date also i.e. on 12/07/2016, no appearance was put up on behalf of the Petitioner. It has been observed in the said order

dated 20/08/2016 that the Petitioner was unrepresented after he had obtained ad-interim relief in the above Writ Petition.

3 Since the above Petition has been dismissed for non-prosecution, an indulgence is required to be shown to the Petitioner by restoring the above Petition. But considering the observations made in the order dated 20/08/2016 the same would be on the pains of imposing costs on the Petitioner. Hence accepting the reasons mentioned in the above Civil Application the same is allowed. Resultantly the above Writ Petition is restored to file. The Petitioner to deposit costs of Rs.3,000/- with the Maharashtra Legal Aid Fund within four weeks from date. List the above Petition for admission on 23/01/2017. It is made clear that if the costs are not deposited and the evidence to that effect is not filed, the benefit of this order would not enure to the Petitioner and the above Petition would then remain as dismissed for non-prosecution without further reference to this Court. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]