

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2950 OF 2016
IN
WRIT PETITION NO.3032 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.D.C.Patankar for the applicant

CORAM : K. K. TATED, J.
DATE : DECEMBER 7, 2016

P.C.:

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by petitioner for restoration of Writ Petition No.3032 of 2016 which stand dismissed for want of prosecution by order dated 1.8.2016.
- 3 The learned counsel for the applicant submits that aunty of Advocate on record expired on 20.7.2016. Hence, he left for native place. After performing all the rites, he came back on 5.8.2016 and hence, no one appeared on behalf of petitioner on 1.8.2016 when the matter was called out. He relies on paragraph 4 of the Civil Application which reads thus:

“4. Further on 20th July 2016, aunty of

Advocate on record Mr.Dinesh C. Patankar has expired at his native place and hence, Advocate on record Adv.Dinesh Patankar went to his native place on 20th July, 2016 and after performing all the rites he came back on 5th Aug, 2016 and hence he could not attend the court on 1st Aug, 2016.”

4 The learned counsel for the applicant submits that inadvertently it remained on the part of advocate for the applicant to supply the extra copies of Writ Petition for issuing notices to the respondent. He submits that in the interest of Justice, this Hon'ble Court be pleased to recall the order dated 1.8.2016. He submits that if Civil Application is not allowed, irreparable loss will be caused to the applicant because of mistake on the part of advocate on record.

5 Considering the submission made by the learned counsel for the applicant and the averments made in Civil Application particularly paragraph 4, I am satisfied that the applicant has made out a case for allowing the Civil Application on following terms and conditions. Hence, following order is passed:

- a) Order dated 1.8.2016 passed by this court is recalled.
- b) Writ Petition No.3032 of 2016 is restored on file for hearing on its own merits.
- c) Applicant to supply copies of Writ Petition in

the Registry within one week from today, failing which Civil Application shall stand dismissed without referring back to the court.

d) If copies are supplied within stipulated time as stated hereinabove, Registry is directed to issue notice before admission to the respondent, returnable after 12 weeks.

e) In addition to usual mode of service, Applicant is permitted to serve Respondents along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect within 8 weeks from today.

f) Civil application stands disposed off accordingly.

JUDGE