

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

CIVIL APPLICATION NO.2998 OF 2015

IN

CIVIL APPLICATION NO.2736 OF 2014

IN

WRIT PETITION NO.1838 OF 2014

Mr. Vilas Laxman Apte

.. Applicant

Versus

State of Maharashtra and others

.. Respondents

Mr. Neel G. Helekar, for the Applicant.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 to 3.

CORAM : R.M. SAVANT, J.

DATE : 31st MARCH 2016

PC.

1. The above Civil Application has been filed for restoration of the Civil Application No.2736 of 2014. The said Civil Application No.2736 of 2014 stood dismissed for non-prosecution on account of the conditional order dated 02.09.2014 which was passed directing the service to be effected on the Respondents within a particular time frame. It is the case of the Petitioner that though the notices to the Respondents were sent, the acknowledgments were not received before the stipulated time fixed by this Court by order dated 02.09.2014 and resultantly, the Civil Application

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No.2736 of 2014 came to be dismissed for non-prosecution. In my view, it would be just and proper to allow the Civil Application and restore the Civil Application No.2736 of 2014 to file. The Civil Application is accordingly allowed. Resultantly, the Civil Application No.2736 of 2014 is restored to file. List the said Civil Application No.2736 of 2014 on 28.04.2016. The Learned Counsel for the Petitioner may intimate the Respondents who are served that the hearing of the above Civil Application would take place on 28.04.2016.

[R.M. SAVANT, J]