

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1834 OF 2016
IN
WRIT PETITION NO. 9931 OF 2004

Shri Amirkhan Lalkhan Pathan (since
deceased through legal heirs)

Sou.Kulsumbi A. Khader Patel and others. ... Applicants.
V/s.

Shri Reva Shankar Swami (since
deceased through legal heirs)

Shri Kumar Reva Shankar Swami & ors. ... Respondents.

Mujahid Shakeel Ansari i/b. R.M.Momin for the applicants.
None for the respondents.

CORAM : D.H.WAGHELA, C.J.

DATE : 20th July 2016.

P.C. :

The application is made for restoring the original petition after it being dismissed on 22nd December 2005 by order of the Registrar (Judicial) upon non-compliance of the conditional order. The application is based only on the averments that learned advocate for the petitioner was under bonafide impression that the matter was admitted and it will not come on the board for a long period and due to which he did not make any enquiry. He also claimed to be under

bonafide impression that his clerk must have paid Bhatta charges and supplied extra copies and he never came to know that Bhatta charges were not paid. Even as the present application appears to have been made in December 2013, it does not appear to have been pressed any further till now when it is listed by the registry. Not only that the averments in the application have not justified the delay, but there is no satisfactory explanation for the indolence of the petitioner and his advocate. Therefore, the application is dismissed.

CHIEF JUSTICE