

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

CIVIL APPLICATION NO.544/2017
IN
WRIT PETITION NO.12313/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Yuvraj Gharal h/f. Mr. Vijay Killedar for the applicant

Mr. P. G. Sarda i/b. P. B. Kulkarni for the respondent

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2017

P.C.:

1. Heard. This application is for restoration of the Writ Petition which stood dismissed for default by order dated 13.12.2016. There is delay in making the Civil Application.

2. The learned counsel for the applicant submits that on 13.12.2016, the advocate on record was not available and hence, he requested his colleague Advocate Mr. Ramkrushna Yedave to attend the matter. The said advocate was held up in another court and therefore none appeared in the mater. These facts are stated by the applicant in paragraph 3 of the Civil Application.

3. Though there is no explanation as to why none appeared when the matter was called out on 13.12.2016, considering the facts of the present case and in the interest of justice, the Civil Application deserves to be allowed, however, on payment of cost of Rs.5000/-.

4. Hence, following order is passed:

a. Delay in making the Civil Application is condoned.

b. Order dated 13.12.2016 is recalled.

c. Writ Petition No.12313/2016 is restored to file for hearing on merits.

d. The applicant to pay cost of Rs.5000/- to the respondent or their advocate and produce an acknowledgment in the office within two weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

e. Civil application stands disposed off accordingly.

JUDGE