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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.733 OF 2017

IN

WRIT PETITION NO.7057 OF 2016

Shri. Subhash Annappa Shinde ...Applicant

In the matter between

Shri. Subhash Annappa Shinde ...Petitioner

vs

Sound Casting ...Respondent

.....

Mr. P. P. Kulkarni, i/b. Mr. Dilip Shinde, for the Applicant.

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CORAM : PRASANNA B. VARALE, J.

DATED: 12 SEPTEMBER, 2017

P.C. :

. By the present application, the Applicant/Petitioner prays for restoration of Writ Petition No.7057 of 2016. By order dated 15 July 2016, the petition was dismissed for want of prosecution. The order of this Court dated 15 July 2016 reads thus:-

“None for the Petitioner. Despite seeking an order on the last occasion, i.e. 28 June 2016, for notice to the Respondent, no copy of the petition has been supplied to the office. The petition is dismissed for want of prosecution.”

2. Learned Counsel for the Applicant, Mr. P.P. Kulkarni, holding for Mr. Dilip Shinde, invited my attention to the grounds raised

in the application, and more particularly, at paragraph No.8, submitted that learned Counsel appearing for the Petitioner was unable to attend the Court due to his ill-health. Learned Counsel submitted that a medical certificate is also issued to the effect that learned Counsel representing the Applicant/Petitioner was under treatment for a period of 10 days from 13 July 2016 and he was discharged on 20 July 2016. The copy of the certificate is taken on record and marked "X" for identification. Learned Counsel submits that the absence of the learned Counsel on 15 July 2016 was purely unintentional and for bonafide reasons. Learned Counsel submits that the Petitioner has raised various grounds in the petition in challenge to the judgment and order passed by learned Labour Court and is having every hope of success in the petition and the dismissal of the petition on a technical ground would cause a serious prejudice to the Petitioner. Learned Counsel submits that if time is granted by this Court, the office objection in respect of supply of the copy to the office would be immediately removed. Considering the submissions of the learned Counsel and considering the ground, namely, the ill-health of the learned Counsel, the petition is restored to its file. A week's time is granted to the Counsel to supply copy of the petition in the office. Application is allowed accordingly.

(PRASANNA B. VARALE, J.)