

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2541 OF 2012
IN
WRIT PETITION NO. 2938 OF 1995

Shri Balkrishna Babasaheb Vispute ...Applicants
(Deceased) by LRS

Versus

Shri Vithal Nana Salunke (Deceased) ...Respondents
by LRS

Mr. A.R. Shaikh I/b. Mr. H.E. Palwe for the Applicants.
None or the Respondents.

CORAM: G.S. KULKARNI, J.
DATED: 25th July, 2017

PC:-

Heard learned counsel for the applicants. By this application, the applicants pray for setting aside of the order dated 11/02/2011, whereby the writ petition came to be dismissed for non-prosecution. The reasons supporting prayers are as set out in the application are that, the name of the present advocate was mistakenly not mentioned on the cause list and accordingly the clerk of the applicants advocate had missed the matter on board. A perusal of the order shows that even the respondents were not

represented when the petition was called out for hearing. The Civil Application is not opposed by the respondents, in the circumstances, the cause appears to be bonafide.. Accordingly, in the interest of justice, the Civil Application is required to be allowed. Civil Application is allowed in terms of prayer clause (a) and (b). No costs. Office is directed to place the petition for final hearing in the week commencing from 31/07/2017 as per its turn.

(G.S. Kulkarni, J.)