

worse is that some of the Applicants were represented by Constituted Attorney. It is now said that there was inadvertence and inexperience on his part, and that he did not comply with a conditional order of this court.

2. I do not see any cogent reason made out at all for restoration.

3. There is another reason to dismiss the Civil Application. In the seven years that have since passed, several third party rights have intervened in respect of the properties in question. Pecuniary jurisdictional limits have also changed. A restoration will entail sending the matter to the District Court in Nashik where undoubtedly application after application will be made for injunction and so on. Third parties will be compelled to intervene to protect their own rights.

4. All of this I am told should be done despite this wholly unexplained delay, only by imposing costs. Costs are not a panacea for this level of dereliction and lack of vigilance. A dismissal of the restoration Application is surely far more effective and final tool.

5. The Civil Application is dismissed with costs of Rs.12,000/- which Mr Deshmukh with his usual fairness readily accepts. Costs are to be shared equally between all the Respondents.

6. In view of the dismissal of the Civil Application, the First Appeal's dismissal is undisturbed.

7. All other Civil Applications do not survive and are disposed of as infructuous.

(G. S. PATEL, J)