

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1743 OF 2016
IN
WRIT PETITION NO.2008 OF 1997**

**Yogi Darshan Makwane Nagar
Co-op. Hsg. Society Ltd. and another ..Applicants**

Versus

**Shri. Karsandas Chhaganlal Solanki
(Deceased through his LRs)
Smt. Vijayben Karandas Solanki and another ..Respondents**

**Shri. P. J. Thorat for the Applicants.
Mrs. Vidita S. Bhalekar i/by Mrs. Ranjana Parikh for the Respondent
No.1(a).**

**CORAM : R. M. SAVANT, J.
DATE : 7th APRIL, 2017**

PC.

1 The above Civil Application has been filed for restoration of the above Writ Petition which has stood dismissed for non-prosecution on account of non-appearance of the advocate on 12.02.2015 and for condonation of delay of about 4 ½ months in filing the application. The reasons for the delay are mentioned in paragraphs 5, 6 and 7 of the Civil Application.

2 The Learned Counsel appearing for the Respondent No.1(a) Mrs. Vidita S. Bhalekar opposes the application.

3 In my view, considering the fact that the above Writ Petition was admitted in the year 1997 and was pending hearing and final disposal as also considering the fact that it has been dismissed for non-prosecution on account of the non-appearance of the advocate, it would be just and proper to show one final indulgence to the Petitioners. Hence accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the above Writ Petition is restored to file. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]