

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1994 OF 2017
IN
WRIT PETITION NO.2633 OF 1998

Jitendra Jagjivandas Mehta & Anr. Applicants

Vs.

Yogesh Mukundrai Parekh & Ors. Respondents

Mr. Bhavin Gada i/by Apte & Co. for the applicants.

Mr. Sushil A. Inamdar h/for Mr. K.B. Sonwalkar for the Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 1 September 2017

P.C. :

1 Heard learned counsel for the applicants.

2 By this Civil Application, the applicants/petitioners pray for recall of the order dated 20 July 2017, dismissing the petition for non-prosecution. Perusal of the order dated 20 July 2017 indicates that on several occasions, the petitioners were absent and the petitioners were not diligent to pursue this petition. In the interest of justice, the Civil Application is required to be allowed, however, it cannot be allowed

unconditionally. The petition is restored to the file of this court subject to the condition of the applicants' depositing costs of Rs.10,000/- with the Kirtikar Law Library, within two weeks from today. If the costs are not deposited, the order dismissing the petition shall stand revived and this application dismissed without further reference to the court. Accordingly, the Civil Application is allowed in the above terms. No costs.

3 If the cost is so deposited within the stipulated time, office to place the petition on final hearing board as per its turn.

(**G.S. KULKARNI, J.**)