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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2049 OF 2017
IN
WRIT PETITION NO. 3131 OF 1996

Shri Sarjerao s/o Ishwarrao More

.. Applicant

Versus

1. The State Bank of India and ors.

.. Respondents

Mr. Ramesh D. Bhat for applicant.

Ms. Rupa Bhave a/w Harshavardhan G. Khambete i/by Bhave and Co. for
respondent no.1.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

SEPTEMBER 01, 2017.

P.C.

1. This is an application for restoration of Writ Petition No. 3131
of 1996 by recalling order dated 27/7/2017.

2. The learned counsel for the applicant submits that since he
was not keeping good health, it was not possible for him to attend to the
date of hearing. Learned counsel submits that the petitioner is in service
since last twenty years under the interim order passed by this court and in
case the petition is not restored, irreparable loss would be caused to the

petitioner.

3. The learned counsel appearing for respondent no.1 submits that on number of occasions the petition was called out but due to absence of learned counsel appearing for the petitioner, it came to be dismissed. The learned counsel has opposed the application.

4. We find that due to personal difficulty of the learned counsel appearing for the petitioner, he could not attend the matter. On this sole reason, we are inclined to allow the application and restore the petition to file, but subject to payment of costs.

5. The order dated 27/7/2017 is recalled and Writ Petition No. 3131 of 1996 is restored to file, subject to payment of costs quantified at Rs.1000/- to the Maharashtra State Legal Services Authority within four weeks.

6. Civil Application disposed of accordingly.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)