

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

**CIVIL APPLICATION NO.583 OF 2011
IN
WRIT PETITION NO.1289 OF 2008**

Shri Popat @ Haribhau Maruti Pawar ... Applicant

Vs.

Padu Sadu Pawar & Ors. ... Respondents

Ms.S.R. Gaidhani for the Applicant
Mr.G.C. Sawant , for Respondent No.9
Ms.Shraddha Pawar i/b Dilip Bodake for Resp. No.10

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 26, 2017**

P.C. :

1. This Civil Application is moved for restoration of Writ Petition No.1289 of 2008 and also, there is a prayer for condonation of delay of 101 days.

2. It is submitted by the learned Counsel for the applicant that the said Writ Petition was dismissed by order dated 10.8.2009 and thereafter by order dated 23.9.2009, it was supposed to be restored to the file. While opposing the order of restoration, the petitioner was directed to comply with the service within the stipulated period i.e., after 23.9.2009. However, the learned

Counsel submits that the same was not complied with as the petitioner could not get proper addresses of the respondents and also the names of the legal heirs. However now, the compliance in respect of serving the legal representatives after getting their addresses is complete and hence, it is prayed that the said Writ Petition is to be restored and the delay of 101 days is to be condoned.

3. On query, it is informed that the Suit No.58 of 1986 filed by the petitioner/plaintiff is still pending before the trial Court. Considering the pendency of both the Writ Petition and the suit before this Court and the trial Court, I am of the view that the Writ Petition is to be heard on merits.

4. Accordingly, for the reasons mentioned in the Civil Application, the Civil Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Amendments to be carried out within two weeks.

5. Civil Application stands disposed of.

(MRIDULA BHATKAR, J.)