

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

**CIVIL APPLICATION NO.2898 OF 2016
IN
WRIT PETITION NO.525 OF 2016**

Shri. Ashok Bama Mundhe

**..Applicant
(Ori. Respdt No.1)**

Versus

Smt. Mamata Shankar Jadhav and others

**..Respondents
(Respdt No.1 is Org.
Petitioner and Respdt
Nos.2 to 15 Ori.
Respondents.)**

Mr. S. V. Gavand for the Applicant.

Smt. Mamata S. Jadhav – Respondent No.1 in person.

CORAM : R. M. SAVANT, J.

DATE : 6th FEBRUARY, 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 the non-appearance of the advocate on 10.10.2016. The reasons for the non-appearance of the advocate are mentioned in paragraph 3 of the Civil Application. The sum and substance of the reasons is that the Learned advocate for the Petitioner Mr. S. V. Gavand was busy in another Court when the Petition was called out. The Respondent No.1, Smt. Mamata S. Jadhav appears in person and opposes

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the application on the ground that the proceedings are being unduly delayed. In my view, having regard to the fact that the above Petition has been dismissed for non-prosecution, the Petitioner would have to be given a chance to prosecute the Petition on merits. Hence accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the Writ Petition is restored to file. List the Petition for admission on 14.02.2017. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]