

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

WRIT PETITION NO. 11873 OF 2015

N.L. Mehta. ... Petitioner.
Versus
State of Maharashtra & ors. ... Respondents.

Mr. Farahan Dubash, Counsel a/w. Roshni Gangar i/b. Pravin Mehta & Mithi & Co., advocate for petitioner.

Mr. Rashmin Jain i/b. Kanga & Co., advocate for respondent No. 3.

Ms. N.V. Sanglikar, advocate for respondent No. 2.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : OCTOBER 10, 2017**

P.C.:

1 Heard. The learned Counsel for the respondent No. 2 submits that by order dated 20th October, 2016 the Suit No. 103386 of 2011 has been dismissed for want of prosecution by 14th Additional Sessions Judge, City Civil Court, Mumbai. According to the learned Counsel for the respondent No. 2 prayer in the petition have become infructuous.

2 However, the learned Counsel for the Petitioner submits that the petitioner has filed an application seeking restoration of the suit which is to be heard on 29/11/2017. The learned Counsel for the respondent No. 2 submits that the application is filed after a delay of 222 days. However, it is for the learned Court to decide the application seeking restoration of the suit on its own merits.

3 In view of the above, Petition stands disposed of as infructuous.

(SMT. SADHANA S. JADHAV,J)