

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION ST NO. 29308 OF 2017**  
**IN**  
**WRIT PETITION NO. 572 OF 2014**

|                                  |                |
|----------------------------------|----------------|
| Barindra Overseas Pvt Ltd & Anr  | ...Applicants  |
| <i>Versus</i>                    |                |
| Shilpa Shares & Securities & Ors | ...Respondents |

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**Mr Kirit Mody**, *i/b M/s S Pathak & Co., for the Petitioner in OSWP/650/2014.*  
**Mr Vishal Ghosalkar**, *for Respondents Nos. 1 to 3 in OSWP/650/14.*  
**Mr Prateek Sakseria**, *with Bharatkumar Jain, i/b Hariani & Co., for Respondents Nos. 4 & 5 in OSWP650/14 & Applicant in CAWL/29308/17 in ASWP/572/14.*

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**CORAM: G.S. PATEL, J**  
**DATED: 31st October 2017**

**PC:-**

1. Not on board. Mentioned. Taken on board.
  
2. This is a civil application for restoration. The writ petition sought to be restored is a companion writ petition to Original Side Writ Petition No. 650 of 2014. The petitioner in Original Side Writ Petition No. 650 of 2014 is the National Cooperative Bank Ltd. It sought to auction certain premises. The petitioner in Appellate Side

Writ Petition No. 572 of 2014, sought to be restored, and therefore the applicant in this Civil application, is the auction purchaser. The auction purchaser's writ petition was dismissed for default because the petitioner's advocate did not appear.

3. In my view, the writ petition ought to be restored. The Civil Application is made absolute. Appellate Side Writ Petition No. 572 of 2014 is restored to file. The Civil Application is got to be finally numbered for completeness.

4. Both writ petitions will be placed for admission on 21st November 2017. Parties are put to notice that these matters will not be adjourned being petitions of 2014.

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