

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

CIVIL APPLICATION NO. 2581 OF 2016

IN

WRIT PETITION NO. 2186 OF 1994

Shamsuddin Nabisaheb Bandaar & Ors. ...Applicants

Versus

Khairunbi Mohammad Bargir & Ors. ...Respondents

Mr. Manoj Patil, for the Applicants.

Ms. Najma Shaikh, i/b Mr. R.M. Momin, for the Respondent No. 1c.

CORAM : N.M. JAMDAR, J.

DATE : 2 February 2017

ORDER :

1. Heard the learned Counsel for the parties. The Writ Petition was dismissed for non prosecution and Application is taken out for restoration in which there is a delay. The learned Counsel for the Respondents states that it is not for the first time that the Petition has been dismissed and the Petition which is pending since 1994, is needlessly prolonged. Considering the

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explanation given and the unconditional apology tendered by the learned Counsel for the Applicants, the Civil Application is allowed in terms of prayer clauses (a) and (b). Writ Petition stands restored.

2. In view of the grievance of the Respondents, liberty is granted to Respondents to take out an Application for fixing suitable compensation, pending hearing of the Petition.

[N.M. JAMDAR, J.]