

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.580 OF 2017
IN
WRIT PETITION NO.4305 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Balwant Salunkhe for the applicant

CORAM : K. K. TATED, J.
DATE : MARCH 17, 2017

P.C.:

- 1 Heard the learned counsel for the applicant.
- 2 This application is for restoration of Writ Petition No.4305 of 2016 which stand dismissed for default by order dated 9.12.2016 as no one appeared on behalf of petitioner.
- 3 The learned counsel for the applicant submits that on 9.12.2016 advocate on record was not keeping well. Hence, no one appeared on behalf of petitioner. He submits that applicant has good chance of success in the present matter. He submits that if matter is not restored, irreparable loss will be caused to the applicant.
- 4 It is to be noted that in the present proceedings, no one appeared on behalf of petitioner on 1.8.2016. Thereafter, matter

appeared on board on 9.12.2016. On 9.12.2016 also, no one appeared on behalf of petitioner. Hence, petition stand dismissed by impugned order.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application but they have to pay cost of Rs.1,500/-. Considering the above-mentioned facts and the reason disclosed in Civil Application, following order is passed:

- a) Order dated 9.12.2016 passed by this court is recalled.
- b) Writ Petition No.4305 of 2016 is restored on file for hearing on its own merits.
- c) Applicant to pay cost of Rs.1,500/-.
- d) Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within two weeks from today and place on record receipt to that effect, failing which the matter shall stand dismissed without further reference to the court.
- e) Civil application stands disposed off accordingly.

JUDGE