

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.9 OF 2017
IN
CONTEMPT PETITION NO. 252 OF 2010**

Sheikh Mohd. Umer	..Applicant
In the matter of	
Sheikh Mohd Umer	..Petitioner
Vs.	
Shaikh Mohd. Anjum & Ors	..Respondents

Mr. A. I. Patel for the Applicant

**CORAM : R. M. SAVANT, J.
DATE : 30th MARCH, 2017**

P.C.

1 The above Civil Application has been filed for restoration of the Contempt Petition against the Respondent No.3 which has stood dismissed for non prosecution against the said Respondent on account of the conditional order dated 6-4-2016 passed by a Learned Single Judge of this Court. Since the Petitioner defaulted in the matter of compliance in respect of service on the Respondent No.3 the conditional order became operative and resultantly the Contempt Petition came to be dismissed for non prosecution against the Respondent No.3. Since the Contempt Petition has been dismissed on a technical ground, it would be just and proper to restore the Contempt Petition against the Respondent No.3. The Civil Application is accordingly allowed resultantly the Contempt Petition is restored against the Respondent No.3. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]