

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO.419 OF 2017 IN  
WRIT PETITION NO.3303 OF 1988

Ms Rekha P. Safari for the applicant  
Mr.Prakash Jetly a/w Mr.J.B.Mishra for the  
respondent

P.C.:

2 In the affidavit in support of this Notice of  
Motion for restoration in paragraph 7, the applicant  
has stated thus:

"7 ...I am also prepared and undertake to  
give two sets of petition and reply on the

ledger paper with court orders within four weeks from the date of restoration."

3 In view of the aforesaid undertaking, a case is made out for restoration of the writ petition.

4 Accordingly, we pass the following order:

(I) Undertaking of the applicant in paragraph 7 quoted above is accepted;

(II) In view of the said undertaking, the order dated 4<sup>th</sup> August 2017 is set aside subject to condition of the applicant complying with the aforesaid undertaking within a period of four weeks from today;

(III) If compliance is made with the undertaking within stipulated period, the Prothonotary and Senior Master will take immediate steps to reconstruct the files of the writ petition;

(IV) As soon as the reconstruction of files is made, the writ petition shall be listed on weekly board;

(V) On failure of the applicant to comply with the undertaking within stipulated period, the order of dismissal of the writ petition will stand;

(VI) Notice of Motion is disposed of on above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)