

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 457 OF 2016

IN

WRIT PETITION NO. 677 OF 2015

Esab India Ltd.

**...Applicant/
Petitioner**

Versus

Union of India & Ors.

...Respondents

Ms. Sunita Gohil, i/b Mathews Nedumpara, for the
Applicant/Petitioner.

Mr. D.P. Singh, for the Respondents No. 1 to 4.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 6 September 2017

ORDER :

1. Heard the learned Counsel appearing for the

Applicant (Writ Petitioner) and the learned Counsel appearing for 1st to 4th Respondents who are the contesting parties in the Writ Petition.

2. The Writ Petition filed by the Applicant was dismissed for want of prosecution on 19 September 2016 by a Division Bench of this Court. Though we are not accepting the correctness of the averments made in the Affidavit in Support, we are inclined to restore the Writ Petition only on the ground that one opportunity deserves to be granted to the Applicant to prosecute the Writ Petition. Accordingly, Notice of Motion is made absolute in terms of the prayer clauses (a) and (b).

3. Restored Writ Petition shall be listed on the date fixed as per C.M.I.S.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]