

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

**CIVIL APPLICATION NO.2733 OF 2017
IN
WRIT PETITION NO.10303 OF 2011**

Madhumati Ananda Magdum ... Applicant
Vs.
Santosh Vishwanath Paramane ... Respondent

Mr.U.H. Pawar for the Applicant
Mr.Rajepandhare Sachinkumar Pradiprao for Respondent

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JUNE 7, 2018**

P.C. :

1. This application is moved for setting aside the order dated 2.5.2013 passed by this Court of dismissing the Writ Petition. There is a delay of nearly 4 years i.e., 1592 days in filing the Civil Application and the same is also prayed to be condoned.
2. In the Writ Petition, the order dated 11.10.2011 passed by the learned Civil Judge, Junior Division, Pandhapur allowing the amendment in the written statement is challenged. At the relevant time, the evidence was going on. However, the petitioner had obtained stay to the proceedings before the trial Court by order dated 8.12.2011. Thereafter, it appears that the petitioner did not

pursue the matter and the matter was dismissed on 2.5.2013. For four years, no steps were taken and now, this application for restoration is filed on 12.10.2017.

3. The learned Counsel for the petitioner submits that due to the negligence of the learned Counsel, who was appearing earlier in this matter, the matter remained unattended by the petitioner. He submits that it be restored as the petitioner had no knowledge of the dismissal of the order of the petition.

4. The learned Counsel appearing for the respondent / original defendant opposed the application.

5. In view of the submissions and the facts of the case, the delay of 4 years is condoned and the impugned order dated 2.5.2013 of dismissal is set aside and the Writ Petition is restored to its original file alongwith all the interim orders, if any, subject to payment of costs of Rs.10,000/-, to be paid to the respondent within two weeks. List the Writ Petition for hearing on 17.7.2018.

6. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)