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

**CIVIL APPLICATION NO. 513 OF 2018
IN
WRIT PETITION NO.5116 OF 2017**

Mogan John Miranda ... Applicant.
V/s.

M/s Naha Properties Pvt. Ltd
and ors ... Respondents.

Mr. Ashish Dubey, for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st MARCH, 2018.

P.C. :

- 1] Heard learned counsel for the Applicant.
- 2] By this application, the applicant is seeking restoration of Writ Petition No.5116 of 2017.
- 3] It is submitted that only because spare copies were not furnished as per order of this Court on 6th November, 2017 on or before 17.11.2017, petition came to be dismissed for default.
- 4] However, the perusal of the earlier order passed in this writ petition goes to show that on 29th September, 2016 itself, the petitioner was directed to remove all the office objections. However, no steps were taken to furnish spare copies, which was one of the

office objections from 29th September, 2016 and the matter has been adjourned from time to time for supply of copies. Thereafter on 6.11.2017, though none was present for petitioner, the Court has issued notices to respondents directing the petitioner to furnish spare copies on or before 17.11.2017. Despite the fact that specific directions were given that the matter shall stand dismissed for want of prosecution, without further reference to the Court, upon failure of petitioner to furnish copies, the petitioner has not supplied copies till 17.11.2017.

5] In such situation, there is really speaking no reason to restore the petition. However, in the interests of justice, the petition is restored subject to depositing costs of Rs.5,000/- in the High Court Legal Services Authority on or before 14th March, 2018.

6] Only on depositing of costs, writ petition will stand restored to its original stage.

7] The Civil Application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]