

rrpillai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 129 OF 2018
IN
WRIT PETITION NO. 4121 OF 2001

Union of India	... Applicant
Thr. CPWD, Navi Mumbai	
vs.	
Panchling Shivram Sutar	... Respondent

Ms. Saswati Deb i/b. Mr. G. K. Sovani for the Applicant.
Mr. Jaiprakash Sawant for the Respondent.

CORAM : A.K. MENON, J.
DATE : 20th MARCH, 2018

P. C.

1. This Civil Application is taken out on behalf of the applicant/petitioner for restoration of the Writ petition No. 4121 of 2001 which came to be dismissed on 23rd February, 2017. Writ Petition No. 6794 of 2009 was admitted on 5th October, 2009 and was directed to be heard along with the above petition.
2. This Civil Application set out the circumstances under which the above writ petition is dismissed on the ground of non-prosecution on 23rd February, 2017. However, learned counsel for the respondent opposes the same. Having heard parties counsel and considering fact that the above writ petition was to be heard along with WP/6794/2009 I find it appropriate to allow this civil application. Accordingly, I pass the following order :

- (i) Civil Application is allowed in terms of prayer clause (a). The above petition is to be listed along with WP/6794/2009.
- (ii) Reply, if any, to be filed within two weeks.
- (iii) The record is seen to be in a damaged condition. Accordingly, learned counsel for the petition shall forthwith make arrangement to reconstruct the file. Registry is directed to permit the same while retaining the original R& P. Reconstruction to be completed within a period of four weeks from today.
- (iv) Stand over to 23rd April, 2018.

(A.K. MENON, J.)