

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

**CIVIL APPLICATION NO.1256 OF 2018
IN
WRIT PETITION NO.4882 OF 2000**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Hemant Ghadigaonkar, Advocate for Applicant.

Mr. Satheesh K. R. Advocate for Respondents No.4, 5, 6 and 7.

CORAM : R. G. KETKAR, J.

DATE : 19/10/2018

P.C.:

1. Heard Mr.Hemant Ghadigaonkar, learned Counsel for the applicant and Mr.Satheesh K.R., learned Counsel for respondents No.4, 5, 6 and 7.

2. This is an application for recalling the order dated 11.8.2017 by which Writ Petition No.4882/2000 was dismissed for non-prosecution. Mr. Satheesh strenuously opposes the application on the ground that the delay is not of eight months in filing the application for restoration. However, the delay is 09 months and 21 days and no case is made out for condonation of delay. In paragraph-7, it is stated that the applicant is a senior citizen aged about 80 years.

3. In view thereof and for the reasons stated in the application which are not controverted as also having regard to the fact that the respondent was also not present when the matter was called out, in my opinion sufficient cause is made out for condoning the delay and for restoring the writ petition. In view thereof, Civil Application is allowed by condoning the delay caused in filing the present application and the order dated 11.8.2017 is recalled. Writ Petition No.4882/2000 is restored along with interim relief. There shall be no order as to costs. Order accordingly.

(R. G. KETKAR, J.)