

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2172 OF 2018
IN
CIVIL APPLICATION NO. 316 OF 2015
IN
WRIT PETITION NO. 8806 OF 2013

Gulab Mahadev Katake.

..Applicant.

V/s.

M/s. Industrial & Air Power Accessories.

..Respondents.

Mr. T.R. Yadav, advocate for applicant.

Mr. Vijay Vaidya, advocate for respondents.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : OCTOBER 12, 2018.

P. C. :

1 This is an application seeking restoration of the matter which was dismissed for want of prosecution vide order dated 28/1/2016. The only plausible inspection i.e. offered is that the advocate representing the applicant had not been diligent in marking his presence on the scheduled date and hence, the Court was constrained to pass an order of dismissal for want of prosecution.

2 The learned Counsel for the applicant submits that although there is some negligence on the part of the advocate representing the applicant at that stage, the applicant should not suffer the consequences and hence, prays that the matter to be restored to its original status in the interest of justice.

Talwalkar

3 Learned Counsel for the respondent has vehemently opposed to the same and submitted that the explanation offered by the applicant is not plausible explanation and hence, the application be dismissed.

4 However, in the interest of justice, the matter is restored to original status on deposit of costs of Rs. 200/- to be deposited in this court by 30/10/2018. The application is allowed and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]