

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

**CIVIL APPLICATION NO. 2424 OF 2017
IN
WRIT PETITION NO. 143 OF 2017**

Shri. Shailendra Nivrutti Nikalje ...Applicant

IN THE MATTER BETWEEN

Shri. Shailendra Nivrutti Nikalje ...Petitioner

Versus

Smt. Shangrilla Shailendra Nikalje ...Respondent

Dr. Siddhartha Priya Ashok for the Petitioner/Applicant.

CORAM : SMT.BHARATI H. DANGRE, J.

DATE : 02nd APRIL 2018

P.C.

1. The present application is filed by the petitioner, seeking restoration of the Writ Petition which was dismissed in default on 17th July 2017. On the said date this Court has observed that on 16th June 2017 no one had appeared for the petitioner. Hence, the matter was specifically kept under the caption for 'dismissal'. However, no appearance was put on the said date and the Writ Petition came to be dismissed for non-prosecution.

2. Heard learned counsel for the petitioner and perused

the application. A statement is categorically made in the application that the advocate on record was not keeping well when the matter was called out which resulted in its dismissal.

3. On perusal of the application, and on going through the reasons stated in the application, they appear to be *bona fide* and, the Writ Petition deserves to be restored. Hence, in the interest of justice the Writ Petition is restored to the file and would be heard on merits, subject to the payment of cost of Rs.5,000/- to be paid to the respondent.

(SMT.BHARATI H. DANGRE, J.)