

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

**CIVIL APPLICATION NO.2061 OF 2018
IN
WRIT PETITION NO.8415 OF 2018**

The Kanakia Park CHS Ltd. .. Applicant

V/s.

The Principal Secretary, Cooperation
Dept. and Ors. .. Respondents

Mr.Sachin P. Borhade for the applicant

Mr.A.A.Alaspurkar, A.G.P. for the respondent nos.1, 2 and 7

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : OCTOBER 1, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Advocate Mr.Sachin P. Borhade submits that Civil Application is already served on other side. He relies on affidavit of service dated 27.09.2018. In spite of service, no one appeared on behalf of remaining Respondents.

3 By this Civil Application, Applicant is seeking to recall the order dated 17.09.2018 by which Writ Petition stands dismissed for non-prosecution.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Order dated 17.09.2018 passed by this court is recalled.
- b) Writ Petition No.8415 of 2018 is restored on file for hearing on its own merits.
- c) Civil application stands disposed off accordingly.
- d) No order as to costs.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)