

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

**CIVIL APPLICATION NO.3023 OF 2017
IN
WRIT PETITION NO.2255 OF 2016**

M/s. Bakre Industries .. Applicant .
Vs.
Sunil Maruti Pawar .. Respondent.

Mr. Atul P. Vanarase for the applicant .

CORAM : A.K. MENON, J.

DATED : 23RD JANUARY, 2018

P.C. :

1. By this civil application, the applicant seeks to recall the order dated 13th October, 2017 by which the petition came to be dismissed for default and for restoration of the writ petition. Learned counsel for the petitioner submits that the Court had issued a notice to the respondent no.1, however, there was no return of service. The Court had issued notice and granted ad-interim relief limited to clause (4) of the operative part of the impugned order limited to payment of backwages. The office note indicates that the notice has been issued to the respondent as directed, however, there was no return of service. On 28th November, 2016 a private notice was also permitted and returnable date came to be extended since the

notice could not be served for want of time. Even today, there is no report of service as on date of dismissal of the petition.

2. Having considered the facts and the reasons set out in the application, the application is liable to allowed. Accordingly, I pass the following order :

- (a) Civil application is allowed in terms of prayer clauses (a) and (b).
- (b) Ad-interim order dated 6th September, 2017 shall also stand restored.
- (c) The petition shall stand restored to file and the petitioner's Advocate shall furnish the copies of the petition within a period of one week from the date of uploading of this order. If the copies are not furnished, this order shall stand vacated.
- (c) Civil application is disposed of in aforesaid terms.

(A.K. MENON,J.)