

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

**CIVIL APPLICATION NO.3034 OF 2017
IN
WRIT PETITION NO.45 OF 2017**

M/s. D.P. ART .. Applicant.

Vs.

Akhil Bhartiya General

Kamgar Union & Anr. .. Respondents.

Mr. Deepak P. Jamsandekar for the applicant.

Mr. Ashok D. Shetty with Mr.Swapnil Kamble for respondent no.1.

CORAM : A.K. MENON, J.

DATED : 23RD JANUARY, 2018

P.C. :

1. This civil application seeks restoration of the above writ petition which was dismissed for default on 13th October, 2017.

2. Heard learned counsel for the applicant and perused the reasons set out in the application. In my view, sufficient grounds are made out to restore the petition. The petition was admitted vide order dated 30th January, 2017. Rule on interim relief was made returnable after 12 weeks. Meanwhile ad-interim order was granted in terms of prayer clause 16(b).

3. Mr.Shetty, learned counsel for respondent no.1 states that he

has no instructions as to filing the reply is concerned and although the application was filed in November 2017, no reply has been filed as on 28th February, 2017. In the circumstances, I pass the following order :

- (a) Civil Application is made absolute in terms of prayer clause (a).
- (b) Ad-interim relief dated 30th January, 2017 is also restored. Since the Rule on interim relief was made returnable. Mr.Shetty, learned counsel seeks time to file reply. Reply, if any, to be filed on or before 20th February, 2018.

(A.K. MENON,J.)