

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

**CIVIL APPLICATION NO.3014 OF 2017
IN
WRIT PETITION NO. 4812 OF 1996**

Shri. Amarchand Hiralal Chopada (since Decd.)
Through Lrs. ...Applicants

Vs.

Shri. Dattatraya Govind Halwai (since Decd.)
Throu Lrs. & Ors. ... Respondents

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Mr. Rupesh R. Lanjekar for the Applicants.
Mr. Abhaykumar Apte for the Respondent Nos.3 & 5 to 7.

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**CORAM : G.S. KULKARNI, J.
DATE : JANUARY 31, 2018.**

P.C. :

1. Learned counsel for the parties.
2. By this application, learned counsel for the applicants prays for setting aside of order dated 2.11.2017 passed by this court dismissing the petition for non-prosecution.
3. Having considered the averments as made in the application, it is in the interest of justice, that the application is allowed, however considering the facts of the case, the restoration of the petition cannot be unconditional.
4. The application is thus allowed subject to the applicants making payment of cost of Rs.15,000/-, to the respondents within a period of

two weeks from today. The cost is condition precedent. If the above order is complied, list this petition on final hearing board as per its turn.

(G.S. KULKARNI, J.)