

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 341 OF 2017
IN
WRIT PETITION NO. 506 OF 1996**

Federation of Bank of India Officers Association and Anr.	.. Applicant
In the matter between Federation of Bank of India Officers Association and Anr.	.. Petitioner
V/s. Union of India & Anr.	.. Respondents

Mr. Siddharth Mataliya i/b Intralegal for the applicant / orig. petitioner
Ms. Neha M. Shah i/b Bodhanwalla & Co. for respondent no.4

**CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.**

DATED : 23rd MARCH, 2018.

PC.

1. This motion has been taken out to recall the order dated 30th June, 2016 passed by this Court. By the above order dated 30th June, 2016, this petition was dismissed for non-prosecution. None appears for respondent nos. 1 to 3 despite service. The affidavit of service dated 22nd March, 2017 is taken on record.

2. We have perused the affidavit dated 24th February, 2017 and the additional affidavit dated 7th March, 2018 both filed by Mr. M.B. Tripathi, the Deputy General Secretary of the petitioner in support of

the motion. We find that the dismissal of the appeal was in view of the absence of the then advocate of the applicant. This inspite of the petitioner having pursued the matter with their then advocate as is evident from the correspondence annexed to the additional affidavit in support of the motion. This non co-operative attitude, it appears, led to the petitioner having to change its advocate and appoint a new advocate. In the above circumstances, we find that the reason for the delay in moving this application has been sufficiently explained.

3. Accordingly, the Notice of Motion is allowed in terms of prayer clauses (a) and (b).

(SANDEEP K. SHINDE, J.)

(M.S. SANKLECHA, J.)