

R.M. AMBERKAR
(Private Secretary)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO. 72 OF 2018
IN
WRIT PETITION NO. 2576 OF 2014

Ekta Aswal .. Applicant

In the Matter Between

Ekta Aswal .. Petitioner

Vs

D.I.G. (Deputy Inspector General),
CISF Unit, CSIA & Ors. .. Respondents

-
- Mr. Rahul Walia a/w Ms. Rimi Jain I/by Yogita Singh for the Applicant / Petitioner
 - Mr. Y.S. Bhate with Mr. D.P. Singh for the Respondents
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CORAM : R.M. SAVANT &
M.S. KARNIK, JJ.

DATE : SEPTEMBER 26, 2018.

P.C.:

1. The above Notice of Motion has been filed for restoration of above Writ Petition which is dismissed for non prosecution on account of the non appearance of the learned Advocate for the petitioner on 23.8.2017 when the petition was listed for admission. The applicant / petitioner also seeks condonation of delay of 6 days in filing the above Notice of Motion.

2. Mr. Y.S. Bhate, the learned Advocate for the respondents opposes the application.

3. We have perused the reasons mentioned in the affidavit in support of the Notice of Motion. On such perusal, we find that case for restoration of the above Writ Petition has been made out. It is trite that the party should be given an opportunity to prosecute its case on merits rather than being thrown out on technicalities. We, therefore, deem it appropriate to allow the Notice of Motion in terms of prayer clauses (a) and (a1). In the result, the Writ Petition would stand restored to file. The Notice of Motion is accordingly disposed of.

[M.S. KARNIK, J.]

[R.M. SAVANT, J.]