

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

NOTICE OF MOTION NO. 444 OF 2016
IN
WRIT PETITION NO. 1137 OF 2002

Navjivan Commercial Premises Co-operative Society.	...	Applicant.
In the matter between:		
Navjivan Commercial Premises Co-operative Society.	...	Petitioner.
V/s.		
Municipal Corporation of Greater Mumbai and others.	...	Respondents.

Mr.Karl Shroff with Ms.Khyati Pandit i/b. Dhru & Co. for the applicant.
Ms.K.H.Mastakar for the respondent- MMC.

CORAM : A.S.OKA AND RIYAZ I CHAGLA, JJ.

DATE : 28th March 2018.

P.C.:

Not on board. Taken up on board.

2. Heard the learned counsel appearing for the applicant, the learned counsel appearing for the respondent Nos.1 and 1A to 1C. Writ petition filed by the applicant was dismissed by the order dated 16th July 2015. At that time, only the advocate for the respondent Nos.1 and 1A to 1C and the learned AGP were present.

3. The learned counsel appearing for the applicant, on instruction, states that the applicant is not pressing for restoration on the basis of averments made in paragraphs-10 to 12 of the affidavit-in-support.

4. We are inclined to restore the writ petition filed by the applicant as it was dismissed for non-prosecution due to absence of the advocate for the applicant.

5. Accordingly, we pass the following order:

By setting aside the order dated 16th July 2015, Writ Petition No.1137/2002 is restored to the file which shall be immediately added to the weekly board. The interim relief which was operating as on 16th July 2015 is also restored.

Notice of motion is disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)