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

NOTICE OF MOTION NO.596 OF 2017
IN
WRIT PETITION NO.1246 OF 2013

Vijay Kashiram Chauhan	... Applicant
<u>In the matter between</u>	
Vijay Kashiram Chauhan & Anr.	... Petitioners
V/s.	
The Municipal Commissioner & Ors.	... Respondents

Mr. Dipak Chattopadhyay for the Applicant.

Mr. Ashish Kamat, Mr. Krunal Mehta i/b. Naik Naik & Co. for the Respondent No.3.

Ms. K.H. Mastakar for the Respondent – BMC.

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

DATE : 30th July 2018.

P.C.:

1 Heard the learned counsel appearing for the applicants who are the writ petitioners. Writ petition filed by the applicants was dismissed for non-prosecution as none appeared for the applicants. The learned counsel appearing for the third respondent invited our attention to the allegations made against a member of the bar in paragraph 2 of the affidavit in support of the first petitioner. Accordingly, the first writ petitioner who has filed affidavit in support has tendered an additional affidavit affirmed today in which he has unconditionally withdrawn the allegations made against the member of the bar in paragraph 2.

2 Writ petition filed by the writ petitioners has been dismissed for non-prosecution as their advocate did not remain present. The reasons for absence of the first writ petitioner have been set out in paragraphs 5 and 6 of the affidavit in support.

3 Accordingly, a case for restoration is made out and hence, we pass the following order :-

ORDER

- (i) The statement made by the first applicant in his affidavit tendered today in paragraph 3 is accepted. Accordingly, we direct that paragraph 2 of the affidavit in support of the notice of motion stands deleted;

- (ii) Notice of motion is made absolute in terms of prayer clauses (a) and (b). Place the restored writ petition under the caption of “Fresh Admission” on 13th August 2018. We make it clear that no further adjournment will be granted to the writ petitioners.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)