

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.O. NO.1769/2017 IN MCA ST. NO.16844/2017 IN W.P. NO. 2718/2013 (D)
 (GURABAI GURUMUKHDAS MATTANI & OTHERS VERSUS AMRAVATI MUNICIPAL
 CORPORATION, AMRAVATI)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri S.S. Chavan, Advocate h/f Shri P.S. Khubalkar, counsel for the applicants.
 Shri S.S. Alaspurkar, counsel for the non-applicant.

CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.

DATE : FEBRUARY 20, 2018.

Heard the learned counsel for the parties. Perused the contents of the application.

Though the learned counsel for the non-applicant strongly opposes the prayer made in the application, for the reasons stated in the same, the delay of sixty days in filing the restoration application is condoned. The civil application is allowed and disposed of.

M.C.A. ST. NO.16844/2017.

Heard. Perused the contents of the application.

It is stated on behalf of the applicants that after the writ petition was dismissed, the applicants contacted the counsel and informed him that the writ petition should have been prosecuted. It is stated that at the relevant time since clear instructions were not available, the learned counsel had informed the Court that there were no instructions in the matter.

Since the writ petition needs to be decided on merits rather than dismissing the same for want of instructions, the order dismissing the writ petition needs to be recalled.

Hence, the miscellaneous civil application is allowed.

The order dated 03.05.2017 is hereby recalled subject to payment of costs of Rupees Five Hundred to the High Court Bar Association, Nagpur within one week. If the costs are paid and the writ petition is restored to file, the same may be listed for final hearing as per its turn.

The miscellaneous civil application is disposed of in the aforesaid terms.

JUDGE

JUDGE

APTE