

2. Heard Mr. S.N. Patne, learned counsel for the petitioner and Mr. A.S. Kulkarni, learned counsel for respondent No.1. The petitioner herein was the original defendant in the suit, being Regular Civil Suit No.60/1997. When the suit was called on

for hearing, the respondent/ plaintiff was not present. The trial Court, therefore, dismissed the suit in default. There was delay of little over seven years to move the application for restoration of the suit.

3. The trial Court has observed that, in view of principle of liberal approach and satisfactory explanation given by the plaintiff for condonation of delay, the application was allowed.

4. The petitioner herein could not make out a case for interference in the impugned order.

5. It is reported that, application for restoration of the suit is still pending before the trial Court. The trial Court is expected to decide the same at the earliest. The Writ Petition, therefore, fails. The same stands dismissed.

(R.G. AVACHAT)
JUDGE

fmp/-