

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO. 1643 OF 2019
IN
Writ Petition NO. 6468 OF 2018

Ankit Ashok Patil	...Applicant
IN THE MATTER BETWEEN	
Ankit Ashok Patil	..Petitioner
<i>Versus</i>	
The Shivkrupa Sahakari Pathpedhi Ltd.	
And Anr.	...Respondents

....
Ms. Neha Parte i/b. Mukesh Dongare, Advocate for the Applicant.
....

**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 22nd NOVEMBER, 2019

PC.

1. Heard learned Counsel Ms. Neha Parte for the applicant.
2. By this Civil Application, the applicant is seeking to recall the order dated 13.12.2018 passed by this Court in Writ Petition No.6468/2018 by which the same stands dismissed for non prosecution.
3. Learned Counsel for the applicant submits that on 13.12.2018, there was leave note of Advocate on record.
4. Considering the submissions made by learned Counsel for the applicant and the averments made in Civil Application, we are satisfied that the applicant has made out a case for allowing Civil Application, but,

at the same time, the applicant has to pay costs of Rs.3,000/-. Hence, the following order :

- (a) Delay in filing the application is condoned.
- (b) Order dated 13.12.2018 is recalled.
- (c) Writ Petition No.6468/2018 is restored on file for hearing on its own merits.
- (d) The applicant to pay costs of Rs.3,000/-.
- (e) Costs be deposited in Kirtikar Law Library, High Court, Main Building, Mumbai on or before 13.12.2019 and place on record the receipt to that effect, failing which Civil Application shall stand dismissed without referring back to court.
- (f) Civil Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)