

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.386 OF 2019
IN
WRIT PETITION NO.7177 OF 2000

The Shamrao Vitthal Co-operative Bank Limited ... Applicant
In the matter of
Mahavir Co-operative Bank Limited, Kolhapur ... Petitioner
Vs.
Dhananjay Gundappa Gunde ... Respondent

Mr. Ramakant Yadav i/b. RHY Juris Law Associates for Applicant.
Mr. Ketan Dhavale i/b. Mr. R. S. Apte, Senior Advocate for Respondent.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 20, 2019

P.C. :

Not on Board. At the request of Mr. Yadav, taken up in the production Board.

2. Heard Mr. Yadav, learned Counsel for the applicant and Mr. Dhavale, learned Counsel for the respondent.

3. This is an application for recalling the order dated 30.11.2018 passed in Writ Petition No.7177 of 2000 thereby restoring the Petition to its original position after condoning the delay of 44 days in filing the application. The applicant has also sought leave to amend the cause title of the Petition in lieu of the order dated 17.03.2008 passed in Civil Application No.2518 of 2007.

4. A perusal of the order dated 30.11.2018 shows that this Court made it clear that if no steps are taken within four weeks, the Court would proceed on the basis that the petitioner is not interested in pursuing the Petition and consider dismissal of the Petition for want of

prosecution. It is common ground between the parties that thereafter no specific order is passed dismissing the Petition for want of prosecution. In other words, Writ Petition No.7177 of 2000 is not dismissed as on date.

5. Mr. Yadav assures that within two weeks from today, applicant will reconstruct the papers and proceedings of Writ Petition No.7177 of 2000 and file it in the Registry.

6. In view thereof, two weeks time to reconstruct the papers of Writ Petition No.7177 of 2000 is granted. The applicant is also granted leave to amend cause title by substituting 'Mahavir Co-operative Bank Limited, Kolhapur' by 'The Shamrao Vitthal Co-operative Bank Limited'. Civil Application is disposed of. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab