

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.870 OF 2018
IN
WRIT PETITION NO.3441 OF 2017**

Ammunition Factory Credit
Co-operative Society Ltd. .. Applicant.
Vs.
Late Shri B.R. Sharma & Anr. .. Respondents.

**WITH
CIVIL APPLICATION NO.871 OF 2018
IN
WRIT PETITION NO.3436 OF 2017**

Ammunition Factory Credit
Co-operative Society Ltd. .. Applicant.
Vs.
Mukund M. Joshi .. Respondent.

**WITH
CIVIL APPLICATION NO.872 OF 2018
IN
WRIT PETITION NO.3515 OF 2017**

Ammunition Factory Credit
Co-operative Society Ltd. .. Applicant.
Vs.
J.V. Pethe .. Respondent.

Mr.T.R. Yadav for the Applicants.
Mr.Nitin Kulkarni for the Respondents.

CORAM : A.K. MENON, J.

DATED : 3RD JANUARY, 2019

P.C. :

1. These three applications seek restoration of above three writ petitions which were dismissed for non prosecution on 17th January, 2018. According to learned counsel for the applicants, the writ petitions were initially listed on 15th January, 2018 when leave notes filed by the Advocate for the applicants were on record. The order dated 17th January, 2018 records this fact. The matter was therefore adjourned to 16th January, 2018 on which date also the petitioners and their Advocates were absent, hence the petitions were listed on 17th January, 2018 “for dismissal“. On 17th January, 2018, none appeared for the petitioners as a result the petitions came to be dismissed.

2. Civil Applications now taken out states that the Advocate Mr.Pawar was unable to remain present since he was hospitalised as on 15th January, 2018 and therefore, could not appear on subsequent dates.

3. Heard learned counsel for the parties. Perused Civil Applications. On behalf of the respondents, the civil applications are opposed, however, having considered averments in the application and having heard learned counsel for the applicants and the respondents, I pass the following order :

(a) Civil Application Nos.870/2018, 871/2018 and 872/2018 are made absolute in terms of prayer clause (b).

(b) List the petitions on 14th January, 2018.

(c) Civil Applications are disposed in the above terms.

(A.K. MENON,J.)