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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2008 OF 2019
IN
WRIT PETITION NO. 1606 OF 2016

Shri Sidhanath Nagari Sahakari
Pathsanstha Limited, Dahiwad ... Applicant.

In the matter between

Shri Sidhanath Nagari Sahakari
Pathsanstha Limited, Dahiwad ... Petitioner.

Versus

Keshavrao Dadasaheb Katkar and Ors. ... Respondents.

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Mr. Shailesh Chavan i/b Milind Deshmukh for Applicant.

Mr. S. D. Rayrikar, AGP for Respondent Nos.2 & 3 - State.

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CORAM : A. S. GADKARI, J.

DATE : 10th OCTOBER, 2019

P. C. :

1. This is an application for restoration of the Writ Petition No. 1606 of 2016, which was dismissed for non prosecution by this Court by Order dated 4th December 2018.

There is delay of 302 days in filing the present application.

2. It is stated that, on 4th December 2018, when the petition was listed on board for final hearing the brief of the Advocate for the petitioner was misplaced and therefore he could not point out the correct facts to the Court. He further submitted that, if the petition is restored,

the petitioner will take necessary steps to serve for the unserved respondents within a stipulated period as may be directed by this Court.

3. In view thereof and in the interest of justice, I am inclined to restore the petition, subject to condition that the petitioner pays costs of Rs. 10,000/- to the High Court Legal Services Committee, Mumbai, having their account in the name of 'High Court Legal Aid Fund' within a period of three weeks from today.

4. It is made clear that, if the petitioner fails to pay the said costs, the present order, restoring the petition shall stand revoked further reference to this Court.

5. In view thereof, delay is condoned and the application is allowed in terms of prayer clauses (a), (b) and (c).

6. The applicant/original petitioner is directed to serve the unserved respondents within a period of four weeks from today, without seeking any extension in that behalf.

7. Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)