

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2665 OF 2010

IN

WRIT PETITION NO.355 OF 2003

(Sai Prasad Commercial Premises Society Vs. Kaushik Shivnath Yadav and another)

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| <b>Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders</b> | <b>Court's or Judge's orders</b> |
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Mr. Sayeed Y. Mulani a/w. Ms Shobhana R. Waghmare i/b. Mulani & Co. for Applicant.

Mr. Chetan Yadav i/b. R. U. & Co. for Respondent No.1.

**CORAM : R. G. KETKAR, J.**

**DATE : 20<sup>TH</sup> JUNE, 2019**

**P.C.:**

Heard Mr. Mulani, learned Counsel for the applicant and Mr. Yadav, learned Counsel for the respondent No.1.

2. This is an application for recalling the order dated 29.03.2010 by which Petitions were dismissed for non-prosecution. Mr. Mulani has tendered copy of the order dated 01.03.2011 passed in Civil Application No.2666 of 2010 in Writ Petition No.356 of 2003. He submitted that companion Writ Petition was also dismissed in default on 29.03.2010 and by order dated 01.03.2011 that was restored. Civil Application is filed in time. He, therefore, submits that Civil Application may be allowed.

3. For the reasons recorded in the Application as also having regard to the fact that on 01.03.2011, companion Writ Petition, which was dismissed in default, was restored, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Order dated 29.03.2010 is recalled. Writ Petition No.355 of 2003 is restored. To be heard along with Writ Petition No.356 of 2003. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*