

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1485 OF 2012
IN
WRIT PETITION NO. 3137 OF 2004

M/s. Oswal Construction and anr. .. Applicants
vs.
Dr. Sanjay Khristan .. Respondent

None for both sides.

CORAM : M. S. SONAK, J.
DATE : 29 MARCH 2019.

P.C. :-

1] This Civil Application seeks restoration of Writ Petition No. 3137 of 2004, which came to be dismissed for non-prosecution on 9th April 2012.

2] Today, when this matter is called neither the applicants nor their advocate are present. However, in the interests of justice, the order dated 9th April 2012 dismissing the petition for non-prosecution is recalled and the petition is restored to the original filed.

3] In this application, the applicants have prayed for award of costs in favour of themselves. In fact, the applicants to pay costs. Since, the respondent did not appear, the

applicants are directed to pay costs of Rs.5000/- within a period of four weeks from today to the Legal Aid Services Authority.

4] If the amount of costs are indeed paid within four weeks from the date of this order is uploaded on the website, Writ Petition No. 3137 of 2004 shall stand restored. However, if no costs are paid, then this application shall be deemed to have been rejected without any further reference to this Court, but with costs.

5] In view of above, Civil Application is disposed of.

(M. S. SONAK, J.)