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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1144 OF 2017
IN
WRIT PETITION NO.3626 OF 2002**

Maharashtra State Road Transport .. Applicant/Petitioner
Vs.
Balu s/o Vishe & Anr. .. Respondents

Mr. C. M. Lokesh I/b. G.S. Hegde for the applicant/petitioner.
Ms. Ashwini Jadhav I/b. Mr. I.R. Kulkarni for the respondents.

**CORAM : A.K. MENON, J.
DATED : 14TH FEBRUARY, 2019.**

P.C. :

1. The learned counsel for the respondents state that copy of the civil application has been served only today. The civil application is for restoration of the writ petition which was dismissed on 28th January, 2016. Reference to order dated 28th January, 2016 reveals that by order dated 17th December, 2015 it was directed that compilation of documents, statement of claim and written statement to be filed within four weeks, failing which the petition would stand dismissed for non-prosecution. Registry had then confirmed that the compilation had not been filed. In view of that, by virtue of self operative order of 17th December, 2015, the petition stood dismissed. This was reiterated on

28th January, 2016. This civil application is filed on 25th April, 2017. No explanation whatsoever is forthcoming for non-compliance of the earlier directions in the order dated 17th December, 2015 nor is any reason provided for not appearing on 28th January, 2016.

2. The prayer in the civil application is for recall of order dated 28th January, 2016. However, the dismissal is caused by virtue of a self operative order of 17th December, 2015. Considering the reasons whatsoever has been provided, there is no ground to set aside the order of dismissal. In the result, I pass the following order;
(i) Civil application is dismissed.

(A.K.MENON,J.)