

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

**CIVIL APPLICATION NO. 1769 OF 2019
IN
CIVIL APPLICATION NO. 690 OF 2019
IN
WRIT PETITION NO. 14554 OF 2018**

Shahajahan Abudul Majid Hawaldar V/s. Mumbai Housing and Area Development Board & Ors.	... Applicant
	... Respondents

Mr.Suhas Deokar a/w. Ms.Ankita Kanojia for Applicant.
Mr.P.P. Pujari, AGP for Respondent Nos.5 and 6.
Mr.Raju R. Gupta a/w. Mr.Dhruv Gupta for Respondent No.7.

CORAM : A.S. GADKARI, J.

DATE : 6th September 2019.

PC. :

1] This is an application for restoration of Civil Application No. 690 of 2019 in Writ Petition No. 14554 of 2018 which was dismissed for non prosecution by Order dated 21st June 2019.

2] Learned counsel for the respondent No.7 vehemently opposed the application. He submitted that after dismissal of Civil Application No.

690 of 2019 in Writ Petition No. 14554 of 2018, MHADA has already caused eviction of the applicant-petitioner. The notice dated 15th December 2018 has already been executed and the petitioner has been evicted from the suit premises. He further submitted that, in furtherance of execution of the said notice dated 15th December 2018, the respondent No.7 has been put in possession of the suit premises and the MHADA has issued possession letter dated 4th September 2019. The said possession letter is taken on record and marked “X” for identification.

3] However, in the interest of justice, I am inclined to restore the Civil Application No. 690 of 2019 in Writ Petition No. 14554 of 2018.

4] In view thereof, Application is allowed in terms of prayer Clause (a).

[A.S. GADKARI, J.]