

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 2040 OF 2019****IN****WRIT PETITION NO. 5399 OF 2016**

The Bhartiya Friends'
Co-operative Housing Society Ltd.Applicant.

IN THE MATTER BETWEEN-

The Bhartiya Friends'
Co-operative Housing Society Ltd.Petitioner.

Vs.

Mahesh K. MehtaRespondent.

Mr. Kushal Amin i/by S.K. Srivastav & Co. for the Applicant.
Mr. Mahesh K. Mehta, Respondent No.1 present in person.

CORAM : A. S. GADKARI, J.
DATE : 16th SEPTEMBER, 2019.

P.C.:-

This is an Application for restoration of Writ Petition No. 5399 of 2016 which was dismissed for non-prosecution by Order dated 14th July, 2019.

2 Mr. Mahesh Mehta, Respondent No.1 appeared in person and vehemently opposed the Application. He submitted that, he has filed an Affidavit-in-reply dated 9th September, 2019 in opposition of this Application.

3 However, in the interest of justice, I am inclined to allow this Application, subject to condition that the Applicant/Petitioner shall pay a costs of Rs.3,500/- (Rupees three thousand five hundred only) to the High Court Legal Services Committee, Mumbai, having its account in the name of “*High Court Legal Aid Fund*” within a period of two weeks from today.

 Subject to payment of costs, the present Application is allowed in terms of prayer clause (a).

(A.S. GADKARI, J.)