

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.262 OF 2017
IN
WRIT PETITION NO.4557 OF 2015

Damodar Bhavan Co.op. Housing Society Limited... Applicant
Vs.
Collector of Stamps, Andheri and others ... Respondents

Mr. Rahul Singh i/b. Mr. Manoj K. Upadhyay for Applicant.
Mr. S. S. Panchpor, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 11, 2019

P.C. :

Heard Mr. Singh, learned counsel for the applicant and Mr. Panchpor, learned AGP for respondent Nos.1 to 4-State.

2. This Application has been filed for restoration of Writ Petition No.4557 of 2015 which was dismissed for non-prosecution on 13.10.2016.

3. In paragraphs 1, 2 and 3 of the Civil Application, it is stated that on the date when the matter was called upon, petitioner had to leave station for Sawai Madhopur to attend urgent work. However, his counsel Mr. Upadhyay suffered from viral fever and because of the same, he was unable to attend Court on that date. It is for such reason that petitioner went unrepresented when the matter was called upon leading to dismissal of the same for non-prosecution.

4. Upon hearing learned counsel for the parties and on due consideration, Court is of the view that it would be in the interest of justice if the Writ Petition is heard and decided on merits. That apart, petitioner has made out a case for restoration of the Writ Petition.

5. Accordingly and in the light of the above, order dated 13.10.2016 is recalled. Writ Petition No.4557 of 2015 is restored to file.
6. Learned counsel for the petitioner to furnish a fresh set of the Writ Petition to learned AGP.
7. Civil Application is accordingly disposed of.

(UJJAL BHUYAN, J.)

Minal Parab