

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.970/2019
in
Writ Petition No.744/2017

Janlaxmi Coop. Bank Ltd. Applicant

Vs.

Ninaidevi Sahakari Sakhar
Karkhana & Ors. Respondents

Mr. D.R. Talekar for the Applicant
Mr. Sarthak Diwan I/b. A. M. Kulkarni for Respondent No.1.
Mrs. Madhura Kulkarni I/b. Deshmukh Bhogle Legal
Associates for Respondent No.2.
Mrs. S. S. Bhende, AGP for Respondent Nos.3 and 4.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : DECEMBER 6, 2019

P.C.

1 Heard. By this Civil Application the Applicant is seeking to recall the order dated 05.10.2018 by which the Writ Petition stood dismissed for non prosecution.

2 The learned counsel for the Applicant submits that on 05.10.2018 he was not keeping well. He has placed on record the medical certificate dated 04.10.2018 issued by Dr. A. A. Dahiwale.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, we are satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

- a. Order dated 05.10.2018 is recalled.
- b. Writ Petition is restored to file
- c. The Civil Application stands disposed of accordingly.
- d. No order as to costs.
- e. The Writ Petition to come up on board, for final hearing, as per its turn.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)