

Digitally signed
by Trusha T.
Mohite
Date:
2019.12.21
16:10:05 +0530

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

**CIVIL APPLICATION NO.1145 OF 2017
IN
WRIT PETITION NO.2417 OF 1995**

Shri Atmaram Ragajirao Ghat .. Applicant

VS.

Executive Engineer and Ors. .. Respondents

Mr.B.G.Tangsali for the Applicant

Mr.S.H.Kankal, A.G.P. for the Respondent nos.1 to 3

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ
DATE : DECEMBER 20, 2019.**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking to recall the order dated 15.11.2016 passed by this court by which Writ Petition No.2417 of 2015 stands dismissed for non-prosecution.

3 The learned counsel for the Applicant submits that for

want of instruction, no one appeared before this court on 15.11.2016. He submits that thereafter, Applicant contacted his Advocate and requested to make present application. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the Civil Application and matter be heard on its own merits.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the Application but at the same time, they have to pay cost of Rs.5,000/-. Hence, following order is passed:

- a. Order dated 15.11.2016 passed by this court is recalled.
- b. Writ Petition No.2417 of 1995 is restored on file for hearing on its own merits.
- c. Applicant to pay cost of Rs.5,000/-.
- d. Cost to be deposited in the office of Kirtikar Law Library on or before 10.01.2020 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without further reference to the court.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)