

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.867/2018
IN
WRIT PETITION NO.2254/2017

Kishorlal Chugh

... Applicant

V/s.

Vinod Ramnath Rao & Ors.

... Respondents

Mr. Amey Deshpande for the Applicant

CORAM: K.K. TATED, J.

DATED : JANUARY 23, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant seeks restoration of the Writ Petition which was dismissed for non compliance of conditional order dated 09.10.2017.

2 The learned counsel for the Applicant submits that inadvertently it remained on their part to supply spare copies of the Writ Petition in the registry to issue notice to the Respondents, in time. He further submits that the Applicant has good chance of success in the Writ Petition. He further submits that in the interest of justice this Hon'ble Court be pleased to restore the Writ Petition on file for hearing on merits. The learned counsel for the Applicant undertakes to remove all office objections and comply with order dated 09.10.2017 on or before 16.02.2019.

3 Considering the submissions made by the learned counsel for the Applicant and as the Applicant undertakes to comply with the order dated 09.10.2017, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant shall pay costs of Rs.1500/-.

4 Hence, the following order:

- a. The Writ Petition is restored to file for hearing on merits.
- b. Time to comply with order dated 09.10.2017 is extended till 16.02.2015.
- c. The Applicant to pay costs of Rs.1500/-.
- d. Cost shall be paid to Kirtikar Law Library, High Court, Mumbai, on or before 31.01.2019 and place a receipt thereon on record, failing which the Civil Application shall stand dismissed without further reference to the court.
- e. Civil application stands disposed off accordingly.

(K. K. TATED, J.)