

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 838 OF 2018
IN
CIVIL APPLICATION NO. 794 OF 2011
IN
WRIT PETITION NO. 1307 OF 2001

Ramashankar Bansraj Mallah

... Applicant

Versus

Mrs. Bansrajidevi wd/o Lalji Mallah and Ors.

... Respondents.

.....

Mr. H. P. Pande for the Applicant.

.....

CORAM : A. S. GADKARI, J.

DATE : 29th NOVEMBER, 2019

P. C. :

1. This is an application for restoration of Civil Application No.794 of 2011 in Writ Petition No.1307 of 2001, which was dismissed for non prosecution by order dated 9th March 2016.

There is delay of 630 days in filing the present application.

2. Learned counsel for the applicant submitted that, the applicant was appearing in person and due to loss of track of the matter, he could not follow it and ultimately the application was dismissed on 9th March 2016.

3. In view thereof and in the interest of justice, I am inclined to

condone the inordinate delay of 630 days, subject to condition that the applicant pays a cost of Rs.5,000/- to the High Court Legal Services Committee, Mumbai, having their account in the name of 'High Court Legal Aid Fund' within a period of three weeks from today.

4. It is made clear that, the payment of cost shall be condition precedent for restoration of Civil Application No.794 of 2011 in Writ Petition No.1307 of 2001.

5. In view thereof, application is allowed in terms of prayer clause (a) & (b).

(A. S. GADKARI, J.)