

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.588 OF 2017
IN
WRIT PETITION NO.1323 OF 2016**

Surinder Kumar Mittal

.... Applicant/
Petitioner

versus

State of Maharashtra & Ors.

.... Respondents

.....

- Mr.Chaitanya Bhandarkar, Advocate for Applicant/Petitioner.
- Mr.J.G. Aradwad (Reddy) a/w Mr.Arvind Aswani, Advocate for Respondent No.3.
- Mr.S.B. Gore, AGP for State.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 09th DECEMBER, 2019.**

P.C. :

1. Heard learned Counsel for the parties.
2. By this Notice of Motion the Applicant is seeking to recall the order dated 02/11/2017 passed by this Court by which the Writ Petition No.1323/2016 was dismissed for non-prosecution.

3. Considering the submissions made by learned Counsel and the averments made in the Motion and paragraph No.4 of the affidavit in support of the Notice of Motion, we are satisfied that the Applicant has made out case for allowing this Notice of Motion, but at the same time, he has to pay costs of Rs.5,000/-. Hence order;

- (a) Order dated 02/11/2017 passed by this Court is recalled.
- (b) Writ Petition No.1323/16 is restored to file for hearing.
- (c) The Applicant to pay costs of Rs.5,000/-, which shall be deposited in Kirtikar Law Library, Bombay High Court, on or before 21/12/2019 and place on record receipt to that effect, failing which, Writ Petition shall stand dismissed without referring back to the Court.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)