

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

**INTERIM APPLICATION NO.1 OF 2019
IN
WRIT PETITION NO.3105 OF 2018**

Dhiraj Hindocha ... Petitioner/Applicant

V/s.

The Special Recovery
& Sales Officer and ors. ... Respondents

Mr.K.S.Patil i/by Mr.Sachin P. Shetye, Advocate for the
Petitioner/applicant.

Mr.R.V.Vengurlekar, Advocate for Respondent Nos.1 and
2.

Mr.Shantanu Raktate, Advocate for Respondent No. 3.

Mr.S.B.Gore, AGP for the State.

**CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 20, 2019.**

P.C.:-

Not on board. Taken on board.

1. Heard Mr.K.S.Patil, learned counsel for the applicant;
and Mr.R.V.Vengurlekar, learned counsel for respondent
Nos.1 and 2.

2. This application has been filed for restoration of
Writ Petition No.3105 of 2018, which was dismissed for
non-prosecution on 25th November, 2019.

3. Learned counsel for the applicant has taken the court to the averments made in the application as well as to the orders passed in the related writ petition particularly the order passed on 27th April, 2018 to contend that there was an interim protection granted to the applicant. Because of dismissal of the writ petition for non-prosecution applicant is apprehending an adverse action at the hands of respondent Nos.1 and 2.

4. On the other hand, learned counsel for respondent Nos.1 and 2 submits that applicant has not paid any amount to respondent No.1-bank though admittedly he had borrowed money from respondent No.1.

5. Be that as it may, in this interim application the issue before the court is whether the writ petition which was dismissed for non-prosecution should be restored to file or not.

6. After hearing learned counsel for the parties and on due consideration, court is of the view that it would meet the ends of justice if the writ petition is heard and decided on merit. Consequently, order dated 25th

November, 2019 is recalled and the writ petition is restored to file.

7. Let the related writ petition be listed on 3rd January, 2020.

8. Needless to say, upon restoration of the writ petition interim order passed on 27th April, 2018 is revived and shall continue to hold the field till the next date.

9. Interim application is disposed of.

(UJJAL BHUYAN, J.)

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