

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

**CIVIL APPLICATION NO. 1951 OF 2019
IN
WRIT PETITION NO. 11875 OF 2016**

Farokh K. Mistry and Anr.] Applicants

Versus

M/s. Inlaks Nagar CHSL Through Members]
& Ors.] Respondents

Mr. Farokh K. Mistry, Advocate for the Applicants.
Smt. P. J. Gavhane, AGP for State.

**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 17th JANUARY, 2020.

P.C.

. Heard learned Counsel for the parties.

2. Learned counsel Mr. Farokh K. Mistry appearing on behalf of applicants submits that all the respondents are duly served and filed Affidavit of Service dated 14/01/2020. Statement is accepted.

3. By this Civil Application, the applicant is seeking restoration of Writ Petition No.11875/2016 which stands dismissed for non prosecution by order dated 06/02/2019.

4. Considering submission made by learned counsel for the applicant and averments made in Civil Application, we satisfy that applicant has made out a case for allowing this Civil Application. Hence, the following order.

ORDER

- (a) Order dated 06/02/2019 passed by this Court is recalled.
- (b) Writ Petition No.11875/2016 is restored on file for hearing on its own merits.
- (c) Civil Application stands disposed of accordingly.
- (d) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)