

Anand

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

**CIVIL APPLICATION NO. 93 OF 2020
IN
WRIT PETITION NO. 8371 OF 2016**

Meena Awatsingh Matai .Applicant

IN THE MATTER BETWEEN

Meena Awatsingh Matai .Petitioner

Vs.

Rajesh Kumar Diwanchand Mehra & anr. .Respondents

Mr. Y. R. Shah, Advocate, for the Applicant / Petitioner

CORAM : REVATI MOHITE DERE, J.

DATE : 20.02.2020

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. Heard learned counsel for the Applicant.

2. On 17.02.2020, the matter was on board, however, learned counsel for the Respondent No. 1 – Mr. Dube was not present and hence, the matter was kept back. Despite the name being flashed on the indicator, none appeared for the said Respondent No. 1 on 17.02.2020. The matter was adjourned to today and learned counsel for the Applicant was asked to contact learned counsel for the Respondent No. 1 on the telephone / mobile numbers mentioned in the Vakalatnama and also by Advocate's notice.

3. Learned counsel for the Applicant states that the telephone / mobile numbers mentioned in the Vakalatnama are not valid i. e. both, landline and mobile. He also states that as the address is incomplete, notice was returned back with the said endorsement.

4. Even today, none appears for the said Respondent No. 1. Though the Advocate's name was displayed on board, as none appears for the Respondent No. 1, the Application is taken up for hearing.

5. By this Application, the Applicant seeks re-call of the order dated 27.02.2019 passed by this Court (Coram : K. K. Tated, J.) in the aforesaid Petition, by which the Petitioner's Petition was dismissed for non-prosecution, as none appeared for the Petitioner.

6. For the reasons set out in paras 5 to 10, the Application is allowed and the order dated 27.02.2019 passed by this Court dismissing the aforesaid Petition for non-prosecution is re-called and W. P. No. 8371 of 2016 is restored back to its original file.

7. Accordingly, the Application is disposed of.

8. **W. P. No. 8371 of 2016** be listed under the caption

“For Admission” on **19.03.2020**.

(REVATI MOHITE DERE, J.)