

SAS

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

**NOTICE OF MOTION NO.388 OF 2016
IN
WRIT PETITION (L) No.2524 OF 2012**

Padmakar N.Sutar

..Applicant.

V/s.

Divisional Railway Manager & Anr.

..Respondents.

None for the applicant.

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

DATE : JANUARY 21, 2020

P.C. :-

None present for the applicant.

2. The matter was on board before before the Master and Assistant Prothonotary, High Court, Bombay on December 16, 2019, January 6, 2019 and January 14, 2019 when no one appeared for the applicant.

3. The present Notice of Motion is taken out by the applicant for restoration of Writ Petition (L) No.2524 of 2012 which was rejected on March 6, 2013 for non removal of office objections. As no one appeared on behalf of the applicant, Master and Assistant Prothonotary, High Court, Bombay passed the following order :-

“ As original Notice of Motion and affidavit-in-support thereof is not traceable in the Registry, the above Notice of

Motion is placed on Board for the purpose of reconstruction. The above Notice of Motion was placed on 16/12/2019 and thereafter, on 6/1/2020 and today, however on all the occasions none appeared for the Applicant as well as the Respondents. It appears that the above Notice of Motion is filed for restoration of Writ Petition (L) No.2554 of 2012 which is rejected on 6/3/2013 for non removable of office objection.

As the applicant/Petitioner and his Advocate is not appearing, the Registry is unable to reconstruct the above Notice of Motion. Hence, office is directed to place the above Notice of Motion before the Hon'ble Court for necessary directions. ”

3. In spite of the order passed by the Registry, the applicant failed to reconstruct the paper-cum-proceedings of Notice of Motion No.388 of 2016. Hence the following order:-

- (i) The applicant is directed to reconstruct the papers and proceedings of Notice of Motion No.388 of 2016 on or before February 29, 2020, failing which the Notice of Motion shall stands dismissed for non prosecution without further reference to the Court.
- (ii) If the paper and proceedings of Notice of Motion No.388 of 2016 is reconstructed, the matter to appear on board on April 24, 2020.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)