

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Misc. Civil Application No. 81 of 2020 in Writ Petition No. 3666 of 2016

Antakala Mohabe Vs. Sanjay Mohabe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B.L. Meshram, Advocate for the applicant.

CORAM : MANISH PITALE, J.

DATED : FEBRUARY 06, 2020

This is an application for restoration of the writ petition, which stood dismissed in default by order dated 07/01/2020, passed by this Court. It is significant that the said dismissal in default of the writ petition was on the second occasion, because earlier also on 04/09/2019, this writ petition had been dismissed in default. Subsequently, on the ground of ill-health of the counsel representing the petitioner, the writ petition stood restored on 18/11/2019.

2. Considering the fact that this is the second occasion of the dismissal in default of the writ petition, this Court is of the opinion that even if the writ petition is to be restored, the interim order that was operating in favour of the petitioner shall not operate. This is for the reason that consistent default on behalf the petitioner before this Court cannot be tolerated.

3. It is also pointed out that the costs of Rs.2500/-, specified in order dated 07/01/2020, have been deposited in this Court on behalf of the petitioner.

4. In view of above, the application is allowed. The writ petition is restored.

5. It is made clear that interim order that was operating in this writ petition shall not operate until the respondent is put to notice about restoration of this writ petition and the matter is heard on interim relief as well as the final relief sought in the writ petition.

6. Upon restoration of the writ petition, issue notice to the respondent, returnable in four weeks.

JUDGE