

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

CIVIL APPLICATION (O) NO. 2120 OF 2019
IN
MISC. CIVIL APPLICATION (St.) NO. 16092 OF 2019 (FOR RESTORATION)
IN
WRIT PETITION NO. 164 OF 2019 (DISPOSED)

Ramesh s/o Marotrao Durugkar

vs.

Janta Sahakari Bank Ltd. Gondia and another

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

Court's or Judge's orders

Shri. H. S. Rahangdale, counsel for petitioner.

CORAM : MANISH PITALE J.

DATED : 13/03/2020

CIVIL APPLICATION (O) NO. 2120 OF 2019 AND
MISC. CIVIL APPLICATION (St.) NO. 16092 OF 2019

These are applications seeking restoration of writ petition which stood dismissed for want of prosecution and for condonation of delay in moving the application for restoration.

2. The Writ Petition No.164/2019 was dismissed on 29/04/2019 by the following order :-

“None appeared on behalf of the petitioner on 22/04/2019. Hence the matter was placed for dismissal today.

Today also there is no appearance on behalf of the petitioner.

Shri. R. K. Borkar learned counsel for respondent Nos.1 and 2 is present.

The writ petition is therefore dismissed for want of prosecution. No costs.”

3. It is obvious that this Court dismissed the writ petition for want of prosecution, because there was no appearance on behalf of the petitioner on two consecutive dates. The only reason given in the application for restoration is that the listing of the matters could not be noticed, thereby, demonstrating casual approach in handling matters.

4. It is only for giving an opportunity to the petitioner for considering the matter on merits that this Court is inclined to allow the application conditionally.

5. In view of the above, the applications are allowed. The delay is condoned and the writ petition is restored, subject to the petitioner depositing costs of Rs.5000/- with the High Court Bar Association, Nagpur within a period of **two weeks** from today.

6. Applications are disposed of.

JUDGE