

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

MISC. CIVIL APPLICATION NO.1219 OF 2019
IN
WRIT PETITION NO.1074 OF 2018 (D)

(Rajan s/o Changoji Khobragade Vs. Hemantkumar s/o Shankarlal Mohabe)

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

Court's or Judge's orders.

Shri S.K. Sable, Advocate for Petitioner/Ori. Defendant.
Shri N.R. Rode, Advocate for Respondent/Ori. Plaintiff.

CORAM: RAVINDRA V. GHUGE, J.
DATE: 13th JANUARY, 2020.

1] The learned Advocate for the petitioner submits that this Court has dismissed Writ Petition No.1074/2018 in default by order dated 04.12.2019 and therefore, this Civil Application for seeking restoration.

2] The learned Advocate for the respondent submits that the writ petition was not dismissed in default. It is a matter of record that none was present for the petitioner. However, this Court went through the order dated 08.11.2017 passed by this Court in Writ Petition No.7142/2016 in which an identical issue was involved. This Court also noticed the order dated 24.02.2018 passed by this Court by which interim relief was not granted to this petitioner in Writ Petition No.1074/2018 and the decree has been executed. The possession of the suit property has been handed over and two courts have concurrently held against this petitioner.

3] I find the submission of the learned Advocate for the respondent to be sustainable considering the record.

4] This application seeking restoration, is actually an application for seeking a review and as I do not find any error apparent on the face of the order dated 04.12.2019, this application is rejected.

(Ravindra V. Ghuge, J.)