

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

**INTERIM APPLICATION NO. 3361 OF 2021  
IN  
WRIT PETITION (ST.) NO. 92506 OF 2020**

Shri Bhagoji Ganpat Jadhav

...Applicant

vs.

National Highway Authority  
of India, Project Implementation Union,  
Nashik and Anr.

...Respondents

Mr. Shraddha Pawar i/by Nilesh Patil, for the Applicant.

**CORAM : PRASANNA B. VARALE &  
S. M. MODAK, JJ.**

**DATE : 18<sup>th</sup> NOVEMBER, 2021**

**PER COURT:-**

. By way of the present application, the applicant prayed for restoration of the Writ petition (Stamp) No. 92506 of 2020 which was dismissed vide order dated 25/01/2021 for non-prosecution.

2. The learned counsel for the Petitioner admits the absence of the counsel on the date when the matter was listed before this Court and submits that absence of counsel was for justifiable reasons.

3. Learned counsel for the Applicant invited our attention to paragraphs 4 and 5, it is stated that the counsel for the Petitioner

was suffering from severe body ache and headache on 21.1.2021 that is a day prior to the matter which was listed on before this Court on 22.01.2021 and the counsel thought it fit to get himself self-quarantine. The matter was again listed before this Court on 25.01.2021 and at that time also the counsel was under self-quarantine and on 25.01.2021, when the counsel found that the matter was listed before this Court, he immediately requested to his Clerk to take necessary steps; but unfortunately the clerk of the counsel also proceeded to his native place and failed to inform the Junior associate for seeking adjournment in the matter. The reasons for absence are stated in detail in paragraphs 4 and 5.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner has raised substantial grounds in the petition and the matter relates to the compensation in respect of acquisition of the land as such the dismissal of the petition on technical ground could cause a serious prejudice to the Petitioner.

5. Considering the grounds raised in the application we are of the opinion that the absence of the counsel before this court on the scheduled dates was for bonafide reasons. The application as such is allowed. The petition be restored to its file.

6. Interim application is disposed of.
7. The counsel for the Petitioner undertakes to communicate the order of this Court passed today to the learned counsel appearing for the Respondents that is respondent No. 1 National Highway Authority India as well as Respondent No.2.

**(S. M. MODAK, J.)**

**(PRASANNA B. VARALE, J.)**