

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

**INTERIM APPLICATION NO. 2501 OF 2020
IN
WRIT PETITION NO. 9846 OF 2018**

Andrea Sheila Rangnekar ...Applicant/Petitioner
vs.
The Deputy Collector (Land Acquisition)
Metro Centre No. (1) Panvel and Ors. ...Respondents

Mr. Sanket Thakur i/by Rahul Thakur, for the Applicant-Petitioner
Ms. Akanksha Helaskar i/by Ashutosh M. Kulkarni – For Respondent
Nos. 7 to 9.
Ms. R. M. Shinde – AGP for State 1 to 6 and 10.

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

DATE : 16th NOVEMBER, 2021

PER COURT:-

. By way of the present application, the Applicant-Petitioner prayed for restoration of the petition no. 9846 of 2018 as the same was dismissed for default vide order dated 24th January 2020.

2. The learned counsel appearing for the Petitioner invited our attention to the grounds raised in the application and more particularly the ground stated in the paragraph no. 4 of the application, it is submitted that the absence of the learned counsel

on the scheduled date was due to bonafide reasons namely the counsel stuck due to heavy traffic and as such he was unable to attend the matter on the scheduled date. It is further submitted by the learned counsel that the absence was for bonafide reasons and the reason beyond control of the learned counsel. Learned counsel then submitted that the petition involves the issue relating to land property of the petitioner and the petitioner has raised substantial grounds for the petition. It is further submitted that dismissal of the petition on technical ground would cause serious prejudice to the petitioner.

2. Learned counsel for the Applicant-Petitioner on this submission prayed for restoration of the petition. Learned AGP as well as learned counsel Ms. Akansha Helaskar holding for Mr. Ashutosh Kulkarni appearing for Respondent Nos. 7 to 9 opposed the application in view of the statement made by the learned counsel as well as grounds raised in the application. The application is allowed. The petition be restored to file. Let the petition be listed for the further consideration on 08.12.2021.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)