

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3962 OF 2021****IN****CIVIL REVISION APPLICATION NO. 270 OF 2009**

M/s.Saidpur Jute Co. Ltd.

... Applicant

V/s.M/s. National Cooperative Consumers
Federation Of India Ltd.

... Respondent

Mr.Kunal Bhanage a/w. Ms.Sharanya Mahimtura i/b.
Mahimtura & Co. for Applicant.Mr.Mahesh Menon a/w. Ms.Nutan Patel i/b. Mahesh Menon
& Co. for Respondent.**CORAM : A.S. GADKARI, J.**
DATE : 13th December 2021.**PC. :**

1. This is an application for restoration of Revision Application, which was dismissed for non prosecution by Order dated 22nd November 2021.

2. Present Application is filed within the period of limitation.

3. Mr.Menon, learned counsel for Respondent submitted that, even on earlier occasion i.e. on 17th June 2015, the present Revision Application was dismissed for non prosecution and was subsequently restored by Order

dated 27th November 2015. He submitted that, the Applicant is not diligent enough in pursuing the present Revision Application and therefore the present Revision Application may not be restored. He however submitted that, if this Court is inclined to restore the Revision Application, heavy costs may be imposed upon the Applicant.

4. Perusal of Application would indicate that, no sufficient cause for not attending the said Revision Application on 22nd November 2021 is given by the Applicant in the present Application. However, in the interest of justice, I am inclined to restore the Revision Application, subject to condition that the Applicant shall pay a cost of Rs.10,000/- to the High Court Legal Services Committee, Mumbai, within a period of three weeks from today.

Applicant to pay/deposit the cost in the account namely “High Court Legal Aid Fund”, Account No. 60045304283, IFSC-MAHB00000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email i.e. hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit.

5. Subject to deposit of cost, Application is allowed in terms of prayer Clause (a).

6. After the cost is deposited, Registry is directed to list the Revision Application on 'Final Hearing Board' from the week commencing from 17th January 2022.

[A.S. GADKARI, J.]

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