

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER ORDER NO.1500 OF 2017

IN

NOTICE OF MOTION (LODGING) NO.462 OF 2017

IN

WRIT PETITION NO.3027 OF 2002

Union of India and Anr.

.. Applicants–Petitioners

Vs.

Ganesh V. Sawaleshwarkar

.. Respondent

Mr. R.R. Shetty, with Mr. Dashrath Dube, for the Applicants–Petitioners.

None for the Respondent.

CORAM : A. K. MENON, J.

DATE : 21ST SEPTEMBER, 2021.

P.C. :

1. Mr. Shetty in support of the Chamber Order submits that this chamber order was initially pending before the Prothonotary and Senior Master. It seeks restoration of the Writ Petition, but on account of opposition by the respondent appearing in-person, the Prothonotary and Senior Master has, on 12th March 2019, found it appropriate to place the matter before the court.

2. That is how this chamber order was listed on 31st August 2021. On that day, Mr. Shetty was directed to issue notice to the respondent and liberty was granted to apply after notice was served. The matter was adjourned to date. An affidavit-of-service was required to be filed confirming that the respondent has been informed of this date of hearing.

3. Mr. Shetty today submits that notice of this hearing has been served upon the respondent in-person. He relies upon an acknowledgment on a copy of the letter dated 7th September 2021, which bears a signature said to be of the respondent, who is seen to have received the notice on 8th September 2021. Mr. Shetty submits that an affidavit-of-service dated 9th September 2021 has been filed in the registry. He tenders a copy thereof since the original is not placed on record yet. The registry is directed to place the original affidavit-of-service on record forthwith.

4. Mr. Sawaleshwarkar is absent on call. In the circumstances, having heard learned counsel for the applicants-petitioners and having perused the supporting affidavit dated 8th December 2017, I am of the view that this chamber order ought to have been permitted. In any event, since the respondent is absent today, there is no reason to decline this relief of restoration. Accordingly, I pass the following order :-

- (i) Writ Petition No.3027 of 2002 is restored to file.
- (ii) List the Writ Petition No.3027 of 2002 for final hearing in accordance with its turn.
- (iii) Affidavit-in-reply, if any, to oppose Writ Petition No.3027 of 2002 shall be filed within eight weeks from today.
- (iv) Copy of this order shall be served upon the respondent.
- (v) Chamber Order is disposed in the above terms.

(A. K. MENON, J.)