

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 18957 OF 2022
IN
WRIT PETITION NO. 2777 OF 2020

Ramesh @ Ramakant Baburao ... Applicant/Petitioner
Kakdekar

V/s.

Smt. Vrunda G. Pai and Ors. ... Respondents

Mr. Uday B. Gavali for applicant/petitioner.

Mr. Sachin H. Kankal for respondent nos. 2 and 3.

Mrs. Vrunda G. Pai, respondent no.1 in Writ Petition No. 2777 of 2020 present in person.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 18 , 2022.

P.C. :

This is an application for recalling the order dated 8th April 2022 whereby Writ Petition No. 2777 of 2020 has been dismissed for non-prosecution. Respondent no.1 is appearing in person. She has opposed restoration of the petition on the ground that the petitioner has been delaying the matter for long time. Learned counsel for respondent nos. 2 and 3 have no objection to restore the petition.

2. The grounds, as set out in paragraphs 9 and 10 of the application, namely, change of advocate, appear to be genuine. For that reason, I am inclined to allow the application.

3. Learned counsel for the applicant/petitioner and learned counsel for respondent nos. 2 and 3 make a statement that the matter pending before the Small Causes Court, Appellate Bench, Mumbai, from which this petition arises, is listed tomorrow i.e. 19th November 2022 for final hearing. The learned counsel undertake that they will not seek adjournment and the matter would proceed tomorrow. Learned counsel for the petitioner also makes a statement that he has oral instructions to withdraw Writ Petition No. 2777 of 2020 and would like to place the instructions in writing before this Court while withdrawing the Writ Petition.

4. Writ Petition No. 2777 of 2020 may be placed before the appropriate Court on 1st December 2022 under the caption 'for withdrawal'. The respondent no.1, who is present in person, be informed is informed about the date of hearing.

5. Interim Application No. 1137 of 2019 is allowed and stands disposed of accordingly.

(VALMIKI SA MENEZES, J)