

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1539 OF 2022****IN****WRIT PETITION NO. 5985 OF 1999**

Ramesh K. Girath And Ors

.....Applicants

Vs.

P. D. Havnur (since deceased)
through LRs and Ors.

.....Respondents

Mr. A. B. tajane for Applicants.

CORAM : A. S. GADKARI, J.

DATE : 15th MARCH, 2022.

PC.:-

This is an Application for restoration of Writ Petition No. 5985 of 1999, which was dismissed for non prosecution by Order dated 25th November, 2019.

Notices issued to Respondent Nos. 1 to 6 are served as per the Bailiff's report. Despite service, none appeared for Respondents.

2. Mr. Tajane, learned counsel for the Applicant submitted that, as per common Order passed by the Hon'ble Supreme Court thereby extending period of limitation to file proceedings, during the pandemic period, the delay for filing present Application would be around 150 days, though it is stated in prayer clause as about 10 months.

3. Perusal of Application indicates that sufficient cause is made out for condonation of delay. As noted earlier, despite service none appeared for Respondents. There is no opposition for condonation of delay.

4. In view thereof, I am inclined to condone the delay and restore Petition to its file. Application is accordingly allowed in terms of prayer clause (a) and (b).

(A.S. GADKARI, J.)