

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

VAISHALI
ANIL
TIKAM

**CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 16547 OF 2022
IN
WRIT PETITION No. 2512 OF 2011**

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ANIL TIKAM

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Vitthal Ganpat Nighot Decd.

Thr. Lhrs.

**Smt. Tarabai Vitthal Nighot
and Ors.**

...Applicants

Vs.

**Chandrakant Baburao Nighot
and Ors.**

...Respondents

*** * * ***

Mr. Abhijit B. Kadam for Applicants

**Mr. Aditya Lele i/b. Ms. Dhamali P. Kubal for
Respondent No.1**

Mr. V.S. Nimbalkar, AGP for State.

Coram : Sandeep K. Shinde, J.

Dated: 8th September, 2022.

P.C. :

1. The Petition in question was dismissed on 1st July, 2022 for non-prosecution since none had appeared on behalf of the Petitioner. It is informed that Mr. J. M. Patil, learned Advocate, who was appearing for the Petitioner had passed away on 10th November, 2020. However, this fact was not brought to the notice of this Court when the petition was dismissed in default. In any

case Petitioner has moved this application, within thirty days seeking for restoration of the petition.

2. Heard counsel for the parties.

3. In consideration of the facts stated above, the order dated 1st July, 2022, dismissing the petition in default is recalled and the Writ Petition No. 2512 of 2011 is restored to file. Interim Application is disposed of. List the petition for admission on 4th January, 2023. Till then the parties to maintain status quo in respect of the suit properties.

(Sandeep K. Shinde, J.)