

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1137 OF 2019
IN
WRIT PETITION NO. 1333 OF 2017

Smt. Vibha Pankajanand Jha through ... Applicant/Petitioner
Mr. Pankajanand Jha

V/s.

Chief Officer, Kulgaon Badlapur ... Respondent
Municipal Council, Through Chief
Officer

Mr. Sanjay Ranjane h/f Dnyaneshwar J. Deshmukh for
Applicant/Petitioner.

Ms. Ayasha Momin I.by Mr. Adsule Dinesh Pandurang for Respondent.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16 , 2022.

P.C. :

. This is an application for restoring the Writ Petition No. 1333 of 2017 to the file and the same was dismissed for default by order dated 3rd May 2018. None appeared for the Petitioner on that day.

2. The reason stated by the Petitioner in the application was that the advocate for the petitioner was unable to remain present on the date of hearing since he was suffering from high fever. The

application is supported by medical certificate which is produced on record.

3. Learned counsel Ms. Ayasha Momin appearing for the respondent has vehemently opposed the petition by submitting that no cause has been shown for the delay in filing the application.

4. Considering the submissions of the learned counsel for the respondent and the statements made by the petitioner in the application, I find that the reasons stated in the application, that the petitioner's advocate was sick on the said date as evidenced to produce on record of a medical certificate to show his *bona fides* is sufficient to grant the application.

5. For the above reasons, application is allowed and the delay in filing the same is condoned. The Writ Petition No. 1333 of 2017 is restored to the file. The Writ Petition may be placed on the admission board.

(VALMIKI SA MENEZES, J)