

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1803 OF 2019****IN****WRIT PETITION NO. 6147 OF 1997**

Smt. Begum Sk. Abdul and Ors.Applicants

Vs.

Smt. Aminabi Sk. Daud and Ors.Respondents

Mr. R. V. Govikar a/w Ms. Shaba V. Khan for Applicants.

Mr. Amar A. Gharte for Respondent No. 1.

CORAM : A. S. GADKARI, J.

DATE : 29th MARCH, 2022.

P.C.:-

This is an Application for restoration of Writ Petition No.6147 of 1997 which was dismissed for default by an Order dated 15th October, 2008.

2. Learned Advocate appearing for the legal heirs of the Respondent vehemently opposed the Application and submitted that, the explanation offered by the Applicants is insufficient for restoration of the Petition. He submitted that, the Respondent has already adopted procedure for execution of impugned Judgment and Order and at that relevant time, the Petitioners have filed the present Application for restoration.

3. Be that as it may.

Perusal of Application would reveal that, sufficient cause is

made out for restoration of Writ Petition. However, taking into consideration the inordinate delay in filing present Application, this Court thinks it appropriate to impose a cost of Rs.20,000/- upon the Applicants/original Petitioners for condonation of delay and restoration of Writ Petition.

The said cost of Rs.20,000/- be paid to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of the present Order on the Official Website of the High Court.

4. Subject to payment of cost, delay is condoned, abatement if any is set aside and Application is allowed in terms of prayer clauses (a) and (b).

(A.S. GADKARI, J.)