

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2507 OF 2019
IN
WRIT PETITION NO.7776 OF 2018**

ARJUN
VITTHAL
KUDHEKAR

Digitally signed by
ARJUN VITTHAL
KUDHEKAR
Date: 2022.10.03
18:10:28 +0530

Dungarshibhai Narshibhai Patel & Anr. ...Petitioners

Versus

M/s. Shah Housecon Pvt. Ltd. & Ors. ...Respondents

Mr. Dilip Rai i/b A. Singh, for the Petitioners.

Mr. S. D. Rayrikar, AGP, for Respondent Nos. 2 & 3.

CORAM : MADHAV J. JAMDAR, J.

DATE : 3rd OCTOBER, 2022

P.C. :

1. By this Interim Application, the Petitioners are seeking setting aside order dated 15th October, 2019 passed by this Court and for restoration of the Writ Petition.

2. By order dated 15th October, 2019, this Court dismissed the Writ Petition for non prosecution as none appeared for the Petitioners. At that time, learned AGP represented Respondent Nos. 2 & 3.

3. It appears that, the Writ Petition was dismissed for non

prosecution at the stage when notice has not been issued to the Respondents.

4. The Interim Application is filed immediately on 6th November, 2019 i.e. within limitation. For the reasons set out in Interim Application the same is allowed in terms of prayer clause (a).

5. The Writ Petition is restored to file and the same be shown for admission on 6th October, 2022.

(MADHAV J. JAMDAR, J.)