

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1104 OF 2019
IN
CRIMINAL WRIT PETITION NO.4611 OF 2019

Renaissance Indus Infra Pvt.Ltd through Mayur Ratilal Suchak and others	Applicants
versus	
Aarya Industrial Products Pvt.Ltd and others	Respondents

Mr.Nikhil Mallelwar i/by Sachin Pawar, Advocate for applicant.
Mr.Arfan Sait, APP, for State.
PSI Vikas B. Zarekar, Cuffe Parade Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th September 2022

PC :

1. This is an application for restoration of Criminal Writ Petition No.4611 of 2019. The Writ Petition was heard by this Court on 16th September 2019 and notice was issued to respondent no.2 therein, which was made returnable on 25th September 2019. It was further directed that in addition to service through the Court, the petitioners shall serve a private notice by registered post A.D and/or by courier service and/or by hand delivery on the respondents and shall file affidavit of service with tangible proof before the returnable date, failing which the petition shall stand dismissed without further reference to the Court. This Court had also granted ad-interim relief in terms of prayer clause-(c) of the petition till next date.

2. On account of non compliance of directions contained in paragraph no.3 of order dated 16th September 2019, which was conditional one, the petition was dismissed for want of prosecution.

3. Learned advocate for applicants submits that private notice was issued to respondent no.2 but the notice was received back with remarks `unclaimed'. This application for restoration was filed immediately thereafter and it has been pending since then. This Court vide order dated 18th December 2019 issued notice to respondents returnable on 22nd January 2020. Office note indicates that notice was issued to respondent nos.1 and 2 with remark that person is not found at the address. Learned advocate for petitioner had sent private notices to respondent nos.1 and 2 which were returned back unclaimed. Learned counsel for applicant submits that he would like to file affidavit in that regard.

4. Considering the aforesaid circumstances, the petition can be restored to file.

5. Interim Application No.1104 of 2019 is allowed and disposed off. Criminal Writ Petition No.4611 of 2019 is restored to file along with interim relief granted in the said petition.

(PRAKASH D. NAIK, J.)

MST