

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 144 OF 2022
IN
WRIT PETITION NO. 628 OF 2021(D)

Ashwinbhai Parekh

-- Applicant

Vs.

Mrs. Mandakini Wanyalkar and others

-- Non-applicants

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Hajare, Advocate for applicant

CORAM : MANISH PITALE, J.

DATE : 16 MARCH 2022

This is an application seeking restoration of writ petition, which stood dismissed on 24/02/2022. It was specified by this Court in the order that if restoration is sought, the petitioner will have to deposit costs of Rs.3000/-. The learned counsel for the applicant submits that the aforesaid amount of costs is already deposited.

2. Record shows that the writ petition was listed on 10/02/2022, when the learned counsel for the petitioner stated that file was returned to the petitioner. Thereafter, none appeared

on behalf of the petitioner on 17/02/2022, when the learned counsel appearing for respondent No. 1 on caveat was present. The petition was adjourned as a matter of last chance to 24/02/2022, for the petitioner to appear and address the Court. Thereupon, when none appeared for the petitioner on 24/02/2022, the petition stood dismissed with the observation that the petitioner did not appear to be interested in prosecuting the petition.

3. A perusal of the application for restoration shows that the petitioner faced some difficulties in engaging another counsel due to which there was no appearance on his behalf before this Court.

4. For the reasons stated in the application, the same is allowed and the writ petition is restored.

5. But, since the respondents were appearing through counsel on caveat, it would be appropriate that the learned counsel now appearing for the petitioner informs the said counsel about restoration of the writ petition and its next date of listing.

6. List the writ petition for further consideration on 01/04/2022.

JUDGE