

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

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**INTERIM APPLICATION NO. 14235 OF 2023
IN
WRIT PETITION NO. 5347 OF 2001**

Hanmantrao Dnyanba Panhale

...Applicant

IN THE MATTER BETWEEN

Hanmantrao Dnyanba Panhale

...Petitioner

Versus

Ramchandra Hashmatmal Udhani

...Respondents

(Since deceased through Legal heir & representative)

....

Ms. Aditi Naikar i/b Pradeep Thorat, Advocate for the Applicant.

Ms. Shraddha Pawar i/b Mr. Dilip Bodake, Advocate for the Respondents.

...

**CORAM : SMT. ANUJA PRABHUDESSAI ,J.
DATED : 8th SEPTEMBER, 2023.**

PC

1. The Petitioner has filed this Application for restoration of the Petition which was dismissed on 17th March 2022 for non prosecution.

2. The records reveal that the petition was dismissed in view of non appearance of the lawyer. It is well settled that litigant cannot be penalized for the Act, omission or negligence of his lawyer.

Hence, considering the reasons stated in para 3 and 4 of the Application, in my considered view, sufficient ground is made out. the Application is allowed. Writ Petition is restored to file.

3. Writ Petition be listed on final hearing.

(SMT. ANUJA PRABHUDESSAI, J.)