

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

**WRIT PETITION NO.8116 OF 2014
WITH
INTERIM APPLICATION NO.10181 OF 2022
IN
WRIT PETITION NO.8116 OF 2014
AND
CIVIL APPLICATION NO.631 OF 2016
IN
WRIT PETITION NO.8116 OF 2014**

Manilal Kalidas Patel ... Petitioner
Vs.
The State of Maharashtra and ors. ... Respondents

Mr.Rajesh Sahani i/by Mr.Devmani Shukla, Advocates for the Petitioner.
Ms.V.S.Nimbalkar, AGP for Respondent No.1.
Mr.Lokesh D. Zade, Advocate for Respondent No.2.

**CORAM : ABHAY AHUJA, J.
DATE : 05 JULY, 2023.**

P.C. :

Interim Application No.10181 of 2022

1. This is an Interim Application seeking restoration of the writ petition which came to be dismissed for failure to comply with the orders dated 29th January, 2016, 17th March, 2016 and 17th March, 2017 granting

time to the Petitioner to supply copies for issuance of the notices to the Respondents No.2 and 3.

2. Mr.Lokesh D. Zade, learned counsel for the Respondent No.2 would submit that the impugned order has already been executed. Mr.Rajesh Sahani, learned counsel for the Interim Applicant draws the attention of this court to order dated 10th November, 2014 to submit that the writ petition had already been admitted on that day and it has been recorded in the said order that the impugned order is already executed. Therefore, the submission by the Respondent should not impress this court.

3. It is submitted on behalf of the Respondents that there is a delay of more than 3 years in preferring this application for restoration and if at all the application allowed, costs be imposed.

4. Having heard the learned counsel and having perused the application, this court is of the view that since the writ petition, prior to its dismissal had been admitted, the petition be restored subject to payment of costs of Rs.25,000/- to the “Kirtikar Law Library” within a period of two weeks.

5. Accordingly, Interim Application stands disposed of.

Writ Petition No. 8116 of 2014

1. Let the writ petition be listed for final hearing on 25th July, 2023.

(ABHAY AHUJA, J.)