

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 347 OF 2020
IN
WRIT PETITION NO. 1547 OF 1999

Nanda A Bhavsar ...Applicant
In the matter between
Nanda A Bhavsar ...Petitioner
Versus
Rashtriya Bahu Uddeshiya Samaj Seva Mandal & ...Respondents
Ors

Ms Prachi Khandke, with Swati Chheda, for the Applicant.
Mr Himanshu Takke, AGP, for the Respondent-State.

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CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 5th June 2023

PC:-

1. The Interim Application is for restoration of the Writ Petition. Specifically, it seeks that an order of 15th June 2017 dismissing the Petition for default be set aside. The Interim Application for restoration was filed on 10th January 2020. As such there is no real explanation for the delay except to say in the Interim Application that the Petitioner was unaware of the progress of the matter and only learnt about it later.

2. This is a very old Petition. We find from the handwritten farad order sheets that go back to 16th June 1999 that there is an order of admission of the Petition on 3rd December 1999. Interim relief was refused. A Notice of Motion No. 190 of 2001 that was separately filed was also later dismissed.

3. It is only because the Petition was admitted and because the order of 15th June 2017 simpliciter dismisses it for default without any assessment of the Petition itself that we will exercise our discretion as an exceptional case and will restore the Writ Petition to file.

4. The Interim Application is disposed of in these circumstances but with the added condition that if the Petitioner is absent on the next occasion, the Petition will be dismissed and will not thereafter be restored a second time.

5. List the Petition for final disposal on a priority basis in the list of matters for final hearing commencing from 26th June 2023.

(Neela Gokhale, J)

(G. S. Patel, J)