

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.11578 OF 2024
IN
LETTER PATENT APPEAL NO. 206 of 2010

Ramesh Vithal Patil And Ors .. Applicant
Versus
Kalyan Dombivali Municipal .. Respondents
Corporation And Anr

...

Mr. Yogendra Pendse for Applicant (through VC)
Mr. Rajat Dighe i/b A.S. Rao for KDMC.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 14th AUGUST, 2024

P.C:-

1 The Interim Application seek restoration of the Letter Patent Appeal No.206 of 2010, which was dismissed for non-prosecution on 13/02/2024.

2 We have heard the learned counsel for the applicant and perused the application, which has candidly stated that the appeal was admitted and was listed for final hearing on many occasions when the Advocate had diligently prosecuted the appeal. However on 13/02/2024, he could not remain present before the Court, due to personal difficulty and hence the appeal was dismissed for want of prosecution.

Paragraph nos.3 and 4 of the application clearly establish

that the default in appearance by the Advocate is bonafide and it being a settled position of law client shall not suffer for the mistake of the Advocate, we are inclined to restore the Appeal to its file, which shall however be subject to payment of cost of Rs. 10,000 with Kirtikar Law Library, within period of two weeks from today.

Interim Application No.11578 of 2024, stand allowed.

Letter Patent Appeal No.206 of 2010, is restored to its file.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)