



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12330 OF 2024
IN
WRIT PETITION NO. 216 OF 2023

Vilas Dattatray Salave and Others. ...Applicants/Petitioners.

Versus

Tulshiram Ramdas Thombare. ...Respondent.

Mr. Alok Kumar i/b A&S Jurisprudentia for the Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : September 3, 2024.

P. C. :

1. Interim Application has been preferred seeking recall of the order of 6th February 2024 passed by this Court dismissing the petition for default and for condonation of delay of 42 days caused in preferring the application for restoration of petition.
2. Learned counsel appearing for the Petitioner submits that the Petitioner was not aware of the listing of matter on 6th February 2024 and thus the petition was dismissed for non prosecution.
3. Petition is still at pre-admission stage and has been dismissed for non prosecution for which sufficient explanation has been given. For the reasons stated in paragraph No.17, delay of 42 days is condoned. As the default is on the part of advocate for the Petitioner, the

Petitioner should not suffer. Hence, order of 6th February 2024 is recalled. Writ petition is restored to the file.

4. Interim application stands allowed.
5. List the writ petition on **8th October 2024**.

[Sharmila U. Deshmukh, J.]