

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.12560 OF 2024
IN
LETTERS PATENT APPEAL NO.244 OF 2011

Sheikh Amin Akhtar	..	Applicant
<u>In the matter between :-</u>		
Sheikh Amin Akhtar & Anr.	..	Appellants
Versus		
The State of Maharashtra & Ors.	..	Respondents

...

Mr.Mandar Soman for the Applicant.

...

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 06th SEPTEMBER, 2024

P.C:-

1. On 14/02/2024, the Letters Patent Appeal filed in Writ Petition No.1461 of 2011 was dismissed for non prosecution, by recording that when the Appeal was called out, neither the Appellants nor any Advocate on their behalf appeared, giving rise to an impression that the Appellants are not interested in pursuing the Letters Patent Appeal.

2. The present Application is taken out for restoration of the Appeal and paragraph Nos.8 to 12 cited reasons as to why

the Advocate for the Appellant was not present in the Court, resulting into dismissal of the Appeal.

The delay, which has occasioned, while taking out the present Application, is also stated to be unintentional and prayed to be condoned.

2. On hearing the learned counsel for the Applicant and on perusal of the Application, we are satisfied with the bonafides of the Applicant and since, it is a trite position of law that a party shall not be suffered on default of the Advocate, we deem it appropriate to recall the order dated 14/02/2024 and restore the Letters Patent Appeal, by condoning the delay in bringing the Application.

Interim Application No.12560 of 2024 is allowed in the aforestated terms.

3. Letters Patent Appeal is directed to be listed on 10/10/2024.

(MANJUSHA DESHPANDE,J.) (BHARATI DANGRE, J.)