



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.850/2024 (For Restoration) IN
WRIT PETITION NO.7843/2023 (D)

Priya Praveen Maloo (Priya w/o Gagan Grover) and Ors. .Vs. Meena Praveen
Maloo and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Sarda, Advocate for applicants.

Ms K. E. Meshram, Advocate instructed by Mr. M. G. Sarda, Advocate
for respondent Nos. 1 and 2.

CORAM : ANIL L. PANSARE, J.

DATE : SEPTEMBER 25, 2024

Heard.

The counsel for the applicants – petitioners submits that this petition was listed on 24.07.2024 and 20.08.2024. He submits that he missed marking of the petition and was not aware that the petition was listed on these two dates. He further submits that his name did not appear in cause-list and, therefore, he did not receive message from the Registry.

In the light of the aforesaid submissions, I called for the causes lists dated 24.07.2024 and 20.08.2024, to find that what has been submitted by counsel for the petitioners is correct.

It is surprising that despite counsel having filed Vakalatnama, his name has been not reflected in the cause-list which resulted in dismissal of petition for want of prosecution.

Registry, therefore, shall file report as to why was counsel's name not mentioned in the cause-list. Report be placed before me on administrative side.

In the circumstances, when it is found that petitioners' counsel was not at fault, it would be necessary to recall the order of dismissal. Counsel for respondent has opposed the application. However, she could not point out that the petitioners' counsel had a notice of listing of the petition.

In view of above and for the reasons set out in the application, the application is allowed as prayed for. Order dated 29.08.2024, passed by this Court, is recalled. Writ Petition No. 7843/2023 is restored on file.

The application is disposed of.

Writ Petition No. 7843/2023

List the petition for admission in the week commencing from 14.10.2024.

(Anil L. Pansare, J.)