



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**52 CIVIL APPLICATION NO. 4898 OF 2024
IN WP/4873/2005**

**UNITED BREWERIES LTD.,
VERSUS
AJINKYA TRADERS THR PROPRIETOR**

...
Mr. Bhandari Anand P., Advocate for Applicant
Mr. S. S. Choudhari , Advocate for Respondent
....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 20.06.2025

PER COURT :-

1. The present application is filed seeking restoration of writ petition No.4873 of 2005 by condoning delay of 229 days.
2. Mr. Bhandari, learned Advocate appearing for petitioner submits that Advocate Mr. R. R. Mantri, who was representing petitioner, has passed away and another Advocate, Mr. S. G. Bharuka has stopped practice. Therefore, proper steps in prosecuting matter could not be taken. Eventually, writ petition has suffered dismissal on 08.03.2023 for want of prosecution.
3. According to Mr. Bhandari, dismissal of petition was not on account of any fault on the part of petitioner but it was because of circumstances beyond his control. Petitioner was diligently prosecuting writ petition and he cannot be blamed for absence of his Advocates.
4. Learned Advocate appearing for respondent vehemently opposes the prayer.

5. Having considered submissions advanced and reasons as stated in paragraph No.3 onwards, it is evident that the Advocates, who were representing petitioner, were not available for taking necessary steps in the matter and petitioner was not negligent in prosecuting proceeding.

6. In that view of the matter, civil application is allowed in terms of prayer clauses (B) and (C).

[S. G. CHAPALGAONKAR, J.]

HRJadhav