

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2647 OF 2016

IN

WRIT PETITION NO. 1920 OF 2013

Shankarayya Basayya Mathpati

..Applicant/
Petitioner

Versus

Raghunath Hariba Shelar

...Respondent

Mr. R.S. Alange, for the Applicant.

Mr. Shubham Dhenge, i/b Manoj Patil, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 25th MARCH 2025

P.C.:

1. Heard the learned Counsel for the parties.

2. This is an application for restoration of the Petition which came to be dismissed for want of prosecution by an order of 11th October 2013. In paragraphs 8 and 9 of the Application, the Applicant has ascribed the cause for delay in seeking setting aside of the order dated 11th October 2013.

3. The respondent resisted the application by filing an affidavit in reply.

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4. The prejudice likely be caused to the respondent can be taken care of by imposing costs.
5. For the reasons assigned in the Application and to advance the cause of substantive justice, the Application stands allowed in terms of prayer clauses (a) and (b).
6. Hence the following order:

: O R D E R :

- (i) The delay in filing Application for setting aside the order dated 11th October 2013 stands condoned.
 - (ii) The order dated 11th October 2013 dismissing the Petition for want of prosecution stands recalled.
 - (iii) The applicant shall pay costs of Rs.20,000/- to the respondent within a period of three weeks.
 - (iv) Writ Petition No. 1920 of 2013 be restored to file.
- Application disposed.

[N. J. JAMADAR, J.]