



364-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (RESTORATION) NO. 364 OF 2025
IN WRIT PETITION NO. 4976 OF 2011

(Vilas Fulsingh Rathod & Ors. Vs. Babasaheb Naik Kapus Utpadak Sahakari Sut Girni, through its
Managing Director)

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

Court's or Judge's orders.

Mr. V.A. Kothale, Counsel for the applicants/petitioners.
Mr. D.R. Khapre, Counsel for the non-applicant/respondent.

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CORAM : ANIL L. PANSARE, J.
JULY 14, 2025

By present application, the applicants/
petitioners are seeking to set aside order dated 7/3/2025
passed by this Court by which, Writ Petition No.
4976/2011 was dismissed as not prosecuted. The order
reads as under :

*"On 31/1/2025, following order was
passed :*

*"Today, the matter is kept for
dismissal.*

*2] The learned Counsel for the
petitioners submits that the petitioners are
interested in prosecuting the petition.*

3] Accordingly, list after two weeks."

*2] Today, none is appearing for the
petitioners. Thus, it appears that though the
learned Counsel for the petitioners made a
statement on previous date that the petitioners
are interested in prosecuting the petition, it
appears that they have, in fact, lost interest in
the petition.*

*3] The petition is accordingly dismissed as
not prosecuted.*

*4] Copy of order be served on the
petitioners for taking appropriate steps, if so
desired."*

2] As could be seen, despite making statement that the petitioners are interested in prosecuting the petition, the learned Counsel did not appear on next date, which resulted in order of dismissal.

3] The learned Counsel for the petitioners submits that he will diligently attend the petition, and accordingly makes a request to set aside the order and give one more opportunity to the petitioners.

4] The learned Counsel for the non-applicant/respondent has no serious objection to restore the petition. He, however, makes a request to list the matter for final hearing.

5] Considering above, the application is allowed, as prayed for, with clear understanding that if the petition is not argued on next date by the petitioners, the petition will not only be dismissed but will be dismissed with cost.

6] The application is disposed of in terms of above. Writ Petition No. 4976/2011 is restored on file.

WRIT PETITION NO. 4976/2011

7] List for final hearing in the week commencing from 4/8/2025.

(ANIL L. PANSARE, J.)

Sumit