

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1444 OF 2007
IN
WRIT PETITION (St.) NO.37094 OF 2001

Pune Vishwa Brahman Samaj, Pune .. Applicant.

V/s.

Mr.Narayan Husnappa Bhimale --- .. Respondent.

Mr.Vijay Killedar for the Applicant.

Mr.V.G.Peshave for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 29th SEPTEMBER, 2007.

P.C. :-

. It appears that the petition was dismissed in default due to the lapse of an Advocate from Pune, who apparently has not exercised due diligence in the matter. There is no serious dispute about the fact that the said Advocate was normally practising at Pune. Even that fact is admitted by the respondents. In view of the law laid down by the Supreme Court in the case of **Rafiq vs. Munshilal**, reported in AIR 1981 S.C.1400, it would be appropriate in the interest of justice to allow the application for restoration. The application is allowed. The writ petition is restored to the file.

2. Order accordingly.

(S . A . BOBDE , J .)