

Rambhau

Vs

Shantabai and Others

Civil Appeal No. ... of 1996

(N. P. Singh, Faizanuddin JJ)

15.03.1996

ORDER

1. Leave granted.

2. This appeal has been filed against an order dated 29-6-1992 passed by learned Single Judge of the Bombay High Court rejecting the application for restoration of the writ petition dismissed for default filed on behalf of the appellant.

3. Heard learned counsel for the parties. It appears that some order had been passed by this Court which could not be communicated to the counsel and in the meantime the aforesaid writ petition was taken up for hearing and dismissed for default. In the order rejecting the prayer for restoration, learned Judge has said that absence of intimation from the counsel was not sufficient ground for restoration of the writ petition. In view of the fact that an order had been passed by this Court arising from the said writ petition, we are of the opinion that the learned Judge should have restored the writ petition. Accordingly, the appeal is allowed. The order dated 29-6-1992 is set aside. The writ petition is restored to its original file. We request the High Court to dispose of the same at an early date.