

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4997 OF 2013

IN RC/107/2013

M/S HARSIDDHI PIPES LTD THRU DIRECTOR AND ORS
 VERSUS
 MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.
 LTD(MSEDCL) AURANGABAD

...
 Advocate for Applicants : Mr. Bhise Sachin S

...
**CORAM : S. V. GANGAPURWALA &
 V. K. JADHAV, JJ.**

DATE : 24th July, 2015

PER COURT :

1. For the reasons stated in the application, the application is allowed. L.P.A. is restored to its original position.

2. Mr. Bhise, the learned counsel for the appellant submits that without application for condonation of delay, the delay cannot be condoned and the trial court has rightly passed order rejecting the Misc. Application No. 465/2011. No error was committed by the Trial Court while passing the said order. According to the learned counsel, the learned Single Judge ought to have considered the said fact. Learned counsel submits that the Judgment of the Apex Court in the case of **State of M.P. Vs. Pradip Kumar reported in (2000) 7 SC 372** was not applicable.

3. We have considered the submissions. In fact, the objection raised was technical in nature. Learned Single Judge had set aside the order dated 02.11.2011 rejecting the Misc. Application No. 465/2011, however, had directed that in case the petitioner therein presents an

application seeking condonation of delay in four weeks, the Trial court shall consider the same on its own merits and in accordance with law. The order passed and view taken appears to be reasonable.

4. In view of this, the Letters Patent Appeal is disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC