

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.5609 OF 2007 IN
WRIT PETITION NO.1934 OF 2002

Godawari Marathwada Irrigation
Development Corporation through
Executive Engineer, Irrigation
Department, Osmanabad

..Applicant

Versus

Bibhishan Sugdev Chavan

..Respondent

Mrs Kalpalata Patil - Bharaswadkar, Advocate for applicant
Mr S.S. Kulkarni, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th April 2015

PER COURT

1. This Court, by an order dated 13th July 2007 has condoned the delay of 751 days caused in preferring the present petition for restoration subject to payment of costs.
2. The present application is moved for restoration on the ground that the dismissal of the petition went unnoticed at the behest of the Counsel.
3. In case of **Rafique and anr. Vs Munshilal and anr., reported in (1981) 2 SCC 788**, the Apex Court has taken view that the lapse on the part of the Counsel shall not affect the rights of the parties.
4. In view thereof and for the reasons stated in the application, civil application for restoration stands granted subject to payment of

costs of Rs.3,000/-. The amount of costs be paid to respondent within a period of four weeks from today. Failure to pay the costs shall result into reviving the order of dismissal of the matter.

5. Pursuant to the order of restoration passed by this Court, the respondent will be at liberty to file additional affidavit, if he so desires.

(N.W. SAMBRE, J.)

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