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

CIVIL APPLICATION NO. 9618 OF 2015
IN WP/3571/2011

THE ADMINISTRATOR NANDED ZILLA SAH KRUSHI GRAMIN
BAHUDDESHIYA VIKAS BANK MARYADIT
VERSUS
DAGDU KONDBARAO SHINDE AND OTHERS

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Advocate for Applicants : Mr.N.K.Bandale h/f Mr.Dankh Sachin V.

Advocate for Respondents : Mr.A.R.Tapse h/f Mr.PD. Suryawanshi

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 14th August, 2015

Per Court:

1 The Applicant Bank prays for condonation of delay of 667 days caused in filing this Civil Application requesting for recalling of the order dated 03.09.2013 passed by this Court by which the Writ Petition was dismissed since the Applicant did not take steps within the prescribed time.

2 The learned Advocate for the Applicant submits that the delay caused is not deliberate and intentional. The Applicant/ Bank is likely to go into liquidation and an Administrator has been appointed. The procedural delay has taken time and hence, the application has been

belatedly filed.

3 The learned Advocate appearing for the Respondents, submits that the Applicant has been negligent. Despite several chances having been granted by this Court, steps were not taken to serve the original Respondent Nos.32, 34, 42, 50 to 60, 75, 77 to 79 and 81 to 86. He, therefore, prays for heavy costs to be imposed on the Applicant in the event this application is to be allowed. He, however, graciously submits that the said costs be donated to the Advocate Association's Bar Library, High Court, Aurangabad.

4 In the light of the above and for the reasons stated in the Civil Application, the same is allowed. The delay of 667 days is condoned subject to the Applicant/ Bank depositing costs of Rs.10,000/- (Rupees Ten Thousand) with the Advocate Association's Bar Library, High Court, Aurangabad within a period of FOUR WEEKS from today.

5 Only after the costs are deposited, the order dated 03.09.2013 shall stand withdrawn/ recalled. Thereafter, the Applicant/ Petitioner shall remove all office objections within a period of TWO WEEKS, pursuant to which, the petition shall be restored.

6 In the event any of these conditions set out above are not complied with, this order shall stand recalled, this Civil Application shall then stand rejected and the order of this Court dated 03.09.2013 shall stand restored.

(RAVINDRA V. GHUGE, J.)