

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12718 OF 2014
IN
WRIT PETITION NO.3527 OF 2012

THE DIVISIONAL CONTROLLER,
MSRTC, OSMANABAD

APPLICANT

VERSUS

ABDUL KARIM SAIFANSAB JAVALGE

RESPONDENT

Mr.D.S.Bagul, Advocate for the applicant.

Mr.S.C.Swami h/f Mr.V.D.Gunale, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/07/2015

PER COURT :

1. By this application, the applicant prays for condonation of 13 days delay in filing this civil application for restoration and for recalling of the order dated 01/10/2014 passed by the Court, thereby dismissing the petition for non-prosecution.

2. Mr.Bagul submits that due to unavoidable circumstances, he could not remain present in the Court as he was held up in a matter in Court Hall No.2. An amount of Rs.5,000/- has also been deposited in the Court in the light of the order dated 13/02/2015.

3. Mr.Gunale, learned Advocate has vehemently opposed this application. Submission is that, the delay is willful and deliberate. The reasons cited are not satisfactory. He prays for imposition of heavy costs.

4. I have considered the rival submissions. A minor delay of 13 days has been caused. An amount of Rs.5,000/- has already been deposited by the applicant.

5. As such, this application is allowed. Delay of 13 days is condoned and the order dated 01/10/2014 passed by this Court is recalled and the petition is restored at the stage at which it was dismissed. The amount of Rs.5,000/- (Rs. Five thousand only) deposited by the petitioner can be withdrawn by the respondent without conditions subject to submitting tangible identity proof.

(RAVINDRA V. GHUGE, J.)