

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

**CIVIL APPLICATION NO. 2156 OF 2015
IN
WRIT PETITION NO. 2468 OF 2014**

Hidayatbee w/o Mohd. Issaq Shaikh,
Age: 69 years, Occu: Household,
R/o Ranjani, Tq. Kallam,
Dist. Osmanabad.
Through power of attorney holder,
Shaikh Kadar Mohd. Issaq,
Age: 55 years, Occu: Agril,
R/o Ranjani, Tq. Kallam,
Dist. Osmanabad.

...Applicant

versus

Mulayambee w/o Allabaksh Sayyad,
Age: 67 years, Occu: Household,
R/o Ranjani, Tq. Kallam,
Dist. Osmanabad.

...Respondent

.....
Mr. A. T. Jadhavar, Advocate for applicant.
.....

CORAM : N.W. SAMBRE, J.

DATE : 11TH MARCH, 2015

ORAL ORDER :

. The petition came to be dismissed in pursuant to the order dated 03/05/2014 for non payment of Bhatta within time.

2. The present application is for setting aside the order of dismissal.

3. There is delay of 178 days in preferring present application.

4. Having regard to the cause cited in support of condonation of delay and in the interest of justice, delay of 178 days in preferring the present application is condoned, subject to payment of costs of Rs.2000/- (Rs. Two thousand only). The cost be paid to Library, High Court Bar Association, Bench Aurangabad within three weeks from today. Writ Petition, as such, is restored to its original file, on payment of costs.

5. Prayer for amendment in the cause title made as per clause (D) also stands granted.

6. He undertakes to pay Bhatta within period of one week from the date of payment of costs. Upon payment of Bhatta, issue fresh notice to the respondents returnable four weeks thereafter.

7. Civil Application stands allowed in above terms.

[N.W. SAMBRE, J.]