

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

**CIVIL APPLICATION NO. 2038 OF 2016
IN
WRIT PETITION NO. 7318 OF 2013**

Bapusaheb Dharmaji Hon

..APPLICANT

VERSUS

Rajendra Popat Hon and Others

..RESPONDENTS

....

Mr. N.R. Bhavar, Advocate for applicant.

Mr. A.N. Hon, Advocate holding for Mr. S.S. Chapalgaonkar,
Advocate for Respondent No.3 & 4.

Mr. V.S. Badakh, AGP for Respondent No.5.

....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th FEBRUARY, 2016

ORAL ORDER :

1. The applicant prays for condonation of delay of 27 days caused in filing this civil application for restoration of the writ petition which was dismissed in default by order dated 07.12.2015 on account of non compliance of office objections.

2. The learned Counsel appearing on behalf of Respondent

Nos.3 and 4 as well as the learned AGP appearing on behalf of Respondent No.5 opposes the application.

3. Respondent Nos.1 and 2 herein were served in the petition. They chose not to enter an appearance. The learned Counsel for Respondent Nos.3 and 4 submits that they are the contesting respondents.

4. In the light of the above and for the reasons set out in the application, same is allowed. Delay of 27 days is condoned subject to cost of Rs.500/- to be deposited with the Advocate Associations' Bar Library, High Court, Aurangabad within a period of two weeks from today considering the consent of Respondent Nos.3, 4 and 5. After depositing the cost, the applicant shall remove all office objections in the writ petition within a period of two weeks thereafter and subject to which the order dated 07.12.2015 shall then stand recalled and the writ petition shall stand restored to the stage at which it was dismissed.

5. In the event the above directions are not complied with, this order shall stand recalled, Civil Application shall then stand rejected and the order dated 07.12.2015 shall stand restored.

(RAVINDRA V. GHUGE, J.)