

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5796 OF 2016
IN
WRIT PETITION NO.9530 OF 2013

DHULA S/O LIMBA CHITALKAR
DIED, THROUGH LRS'

APPLICANTS

VERSUS

MAHADU DHULA CHITALKAR

RESPONDENT

Mr.N.B.Patekar h/f Mr.P.R.Katneshwarkar, Advocate for the
applicants.

Mr.A.N.Nagargoje, Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 29/04/2016

PER COURT :

1. The applicant submits that the delay of 78 days in filing this petition be condoned and the conditional order dated 11/12/2015 passed by this Court, by which the writ petition has been dismissed, may be recalled.

2. Mr.Nagargoje, learned Advocate for the non-applicants submits that this Court permitted the applicants to remove all office objections till 08/01/2016. Failure on its part led to the dismissal of the petition. Only after the respondents/non-applicants initiated execution proceedings that the applicants have woken up from sleep. In the alternative, he submits that if this application is allowed, heavy costs be imposed on the applicants, to be donated to the Advocate Associations' Bar Library, High Court, Aurangabad and the

petition be listed for admission at the earliest.

3. In the light of the above and for the reasons set out in the application, the same is allowed. Delay of 78 days is condoned subject to costs of Rs.1,000/- which the applicants shall deposit with the Advocate Associations' Bar Library, High Court, Aurangabad on or before 07/06/2016. The order dated 11/12/2015 passed by this Court is recalled and the applicants shall remove all office objections on or before 10/06/2016. After this order is complied with, list WP No.9530/2013 for admission on 14/06/2016.

4. Needless to state, if any of the above directions are not complied with, this order shall stand recalled and the civil application shall then stand dismissed with the restoration of the order of this Court dated 11/12/2015.

(RAVINDRA V. GHUGE, J.)