

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

CIVIL APPLICATION NO. 11616 OF 2016
IN
WP/457/2012

THE ESTATE MANAGER MAH STATE FARMING CORPORATION LTD
AHMEDNAGAR
VERSUS
BABITAI KACHRU VIDHATE AND ANOTHER

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Advocate for Applicant : Mrs.Bharaswadkar Kalpalat B.

Advocate for Respondents 1 and 2 : Shri P V Barde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th August, 2016

Per Court:

1 Leave to add prayer clause (A-1) for seeking condonation of delay. Addition be carried out forthwith.

2 The learned Advocate for the Applicant submits that office objections were inadvertently not removed. The main petition was admitted by order dated 03.07.2012 and interim relief granted earlier on 17.01.2012 was continued. As a result of non removal of office objections, the petition came to be dismissed. It was lost sight of and hence, the delay

of about three years and three months.

3 The Applicant, therefore, prays for condonation of delay in the light of the added prayer clause (A-1) and for restoration of the petition to the stage at which it was dismissed.

4 Shri Barde, learned Advocate for the Non Applicants/ Respondents, has vehemently opposed the application on the ground that the reasons cited for condonation of delay are neither satisfactory nor reasonable. The delay of 03 years and 03 months has been caused. Heavy costs may be imposed and the said costs be donated to the Advocates Association of Bombay High Court, Bench at Aurangabad.

5 Considering the above and for the reasons set out in the Civil Application, the same is allowed. Delay is condoned by imposing costs of Rs.5000/- (Rupees Five Thousand) which shall be deposited by the Applicant with the Advocates Association of Bombay High Court, Bench at Aurangabad within a period of FOUR WEEKS from today. Consequentially, Writ Petition No.457/2012 stands restored at the stage at which it was dismissed.

6 Both the learned Advocates request that the main petition be

heard at the earliest.

7 As such, Writ Petition No.457/2012 shall be listed for hearing
on 13.09.2016.

kps

(RAVINDRA V. GHUGE, J.)