

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 528 OF 2016
IN WP/48/2014

SECRETARY, BHAGYODAY BAHU-UDDESHIYA AND ANOTHER
VERSUS
VIJAY DATTARAO JAGDALE AND ANOTHER

...
Advocate for Applicants : Shri Deshmukh S.A. h/f Shri S.S.
Advocate for Respondent 1 : Shri Pathade R.E. h/f Shri Rudrawar S.G.
Advocate for Respondent 2 : Shri Badakh V.S.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: January 22, 2016
...

PER COURT :-

1. Writ Petition No. 48 of 2014 was dismissed in default on 18.9.2014. Same was restored on 21.8.2015 by the order of this Court, on the ground that the father of the Advocate was unwell.
2. Again the Writ Petition was posted for dismissal on 23.11.2015 and on 7.12.2015. Finally, since none appeared, the petition was dismissed in default.
3. Learned Advocate for the applicant has now set out in the application that the wife of the real brother of the Advocate for the petitioner had a difficult delivery of a child. He was, therefore, held up in order to render assistance of his brother.
4. The Civil Application is filed in time. Though the learned Advocates for the respondents oppose the application, same is allowed with a caution that if in future the Writ Petition is again dismissed in default, for any reason, whatsoever, and if the petitioner seeks restoration, same will be on depositing costs of Rs.10,000/-.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2
CIVIL APPLICATION NO. 528 OF 2016

5. This application is allowed on costs of Rs.2,000/-, which the petitioner - educational society shall deposit with the Advocate Association's Bar Library, High Court, Bench at Aurangabad, by consent of the learned Advocates for the respondents, within a period of two weeks from today, failing which this order shall stand recalled, the Civil Application shall stand rejected and the earlier order dated 7.12.2015 shall stand restored.

6. After the costs are deposited, the order passed by this Court dated 2.12.2015 shall stand recalled and the Writ Petition be listed on board for hearing as per Court Management Information System (CMIS) date.

(RAVINDRA V. GHUGE, J.)

...