

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 269 OF 2016
IN
WRIT PETITION NO.2787 OF 2005

Rajaram Jyoti Jadhav,
Through C.A. Ravindra R. Jadhav. .. Applicant
Vs
The State of Maharashtra and Others. .. Respondents

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Shri Hiten S. Venegaonkar for the Applicant.
Shri V.B. Thadhani, AGP for the Respondents.
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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 15TH FEBRUARY 2016

PC.

1. Heard learned counsel appearing for the Applicant and the learned counsel appearing for the Respondents.

2. In view of the averments made in the Application and in view of the nature of challenge, though the Writ Petition has been dismissed for non-prosecution on the basis of the condition order dated 20th January 2006, a case is made out for restoration. However, considering the length of delay, the Applicant will have to pay costs to the first Respondent.

3. The learned counsel appearing for the Applicant has tendered across the bar copies of the annexures to the Petition which were destroyed after the dismissal of the Writ Petition. The Registry will have to reconstruct the annexures to the Writ Petition by taking typed copies of the annexures from the Petitioner.

4. Accordingly, we dispose of the Application by passing the following order.

ORDER :

- (a) Writ Petition No.2787 of 2005 is restored subject to condition of the Petitioner paying the costs quantified at Rs.10,000/- to the first Respondent within a period of four weeks from today;
- (b) The Registry shall reconstruct the files of the Writ Petition as observed above within a period of one month from today;
- (c) Till the next date, if the acquired land has not been allotted to any third party, the same shall not be allotted.

- (d) Place the Petition on 14th March 2016 under the caption of “Directions” to enable the Applicant to come out with an Application for amendment.

(C.V. BHADANG, J)

(A.S. OKA, J)