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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 5 OF 2016
IN
LETTERS PATENT APPEAL No. 326 OF 2013
IN
WRIT PETITION No. 1061 OF 2012

Maharashtra State Electricity Distribution Company Ltd.	...	Applicants Appellants / Petitioners
Vs. New Bombay Earth Movers Pvt. Ltd. & Anr.	...	Respondents

Mr. Pushkar Mishra i/b M. V. Kini & Co. for the Applicants /
Appellants Petitioners.

Mr. Dhananjay B. Deshmukh, for the Respondents.

CORAM : V. M. KANADE, &
M. S. KARNIK, JJ.

DATE : MARCH 28, 2016

PC.

1. For the reasons stated in the civil application, delay of 349 days caused in taking out the present civil application is condoned, despite vehement opposition by the learned counsel appearing for the Respondents.

2. Letters patent appeal was dismissed for want of prosecution on account of a conditional order dated 17.2.2015 passed by the Registrar (Judicial-II). The only objection was “non-payment” of Bhatta charges”. The said order dated 17.2.2015 is recalled and the Letters Patent Appeal No. 326 of 2013 is restored to the file. Civil application is accordingly allowed and disposed of in terms of prayer clauses (b) and (a).

3. Heard the learned counsel appearing for the Appellants. We are not inclined to interfere with the impugned order dated 6.3.2012 passed by the learned Single Judge. Hence, letters patent appeal is dismissed.

Sd/-
[M. S. KARNIK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath