

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.249 OF 2015
IN
CIVIL REVISION APPLICATION NO.449 OF 2010**

**Mahendra S Gadve and anr. : Applicants.
Versus
Ajay Ramanlal Gujrathi : Respondent.**

**Mr. S R Ronghe for the Applicants.
Mr. S N Chandrachud for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 08th February 2016**

P.C.

1 The above Civil Application has been filed for restoration of the above Civil Revision Application which has stood dismissed for non-prosecution on account of non-removal of the office objection relating to payment of bhatta charges. The Applicants also seek condonation of delay of 3 years and 131 days in filing the above Civil Application. The reasons therefor are mentioned in paragraph 3 of the Civil Application.

2 The learned counsel appearing for the Respondent Shri Chandrachud questions the reasons mentioned in the said paragraph 3 of the Civil Application.

3 In my view, the reasons mentioned in the paragraph 3 of the Civil

Application in terms may not strictly constitute sufficient cause for condonation of delay of 3 years and 131 days, however, having regard to the fact that the above Civil Revision Application was admitted and has been dismissed for non-prosecution on account of technical reason of the bhatta charges not being paid, it is necessary to offer an opportunity to the Applicants to prosecute the above Civil Revision Application on merits. For the delay the Respondent can be compensated by way of costs. The learned counsel for the Respondent states that the costs be directed to be deposited with the State Legal Aid Fund.

4 The above Civil Application is accordingly allowed. Resultantly, the delay of 3 years and 131 days in filing the above Civil Application stands condoned and the above Civil Revision Application stands restored to file. The ad-interim relief would stand restored. Applicants are directed to deposit costs of Rs.2,000/- with State Legal Aid Fund. Same to be done within two weeks from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]