

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.337 OF 2016
IN
WRIT PETITION (L) NO.2309 OF 2015**

Mohammed Saeed Shaikh : Applicant

In the matter of

Mohammed Saeed Shaikh : Petitioner.

versus

The State of Maharashtra & ors. : Respondents.

Ms. Savina Bangera i/by Mr. O K Shaikh for the Applicant.

**CORAM : R. M. SAVANT, J.
DATE : 23rd September 2016**

P.C.

1 The above Notice of Motion has been filed for restoration of the above Petition which has stood dismissed for non-prosecution on account of the conditional order dated 06/10/2015 passed by the learned Prothonotary & Senior Master. The Applicant also seeks condonation of delay of 138 days in filing the Notice of Motion.

2 The above Petition has been dismissed for non-removal of office objections. The above Notice of Motion has been filed on 04/04/2016. For the delay of about 138 days the explanation is given in the Affidavit in Support of the Notice of Motion.

3 In my view, since the Petition has been dismissed for non-removal of the office objections, it would be just and proper to allow the above Notice of Motion by condoning the delay of 138 days in filing the above Notice of Motion. The above Notice of Motion is accordingly allowed in terms of prayer clauses (a) and (b). The Applicant/Petitioner to deposit costs of Rs.1000/- with the State Legal Aid Fund within two weeks from date. List the above Petition for admission on 14/10/2016. The above Notice of Motion is accordingly disposed of.

[R.M.SAVANT, J]