

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Civil Application (CAO) No. 1998 of 2015

in

Misc. Civil Application St. No. 17575 of 2015

in

Writ Petition No. 4477 of 2009 (D)

[Zilla Parishad, Gondia through C.E.O. Vs. Rambhau Kisanji Mendhe]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A. Y. Kapgate, Advocate for the applicant

CORAM : Prasanna B. Varale, J.

DATE : 1-2-2016.

Heard Shri Kapgate, learned counsel for the applicant/petitioner.

Though non-applicant/respondent is served, none appears for the non-applicant/respondent even on second call today.

By the present application, the applicant is seeking condonation of delay of 104 days in filing the application for restoration of the Writ Petition No. 4477/2009. Learned counsel Shri Kapgate by inviting my attention to the reasons in the application submitted that due to inadvertence, the counsel could not mark the matter and as such, the same was dismissed in default and the dismissal was not noticed by the counsel for quite some time. It is submitted that delay caused is purely on account of inadvertence and under *bonafide* impression.

In view of the submissions of the learned counsel for the applicant and for the reasons stated

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in the application, the application is allowed and delay is condoned.

Misc. Civil Application St. No. 17575 of 2015

For the reasons stated in the application and more particularly, in paragraph nos. 3 and 4, the application is allowed. The writ petition be restored to its file.

JUDGE

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