

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1177 OF 2017
IN
WRIT PETITION (st) NO. 31022 OF 2009

Bhamre Balasaheb Nimba

..Applicant

v/s.

The Joint Secretary,
Maratha Vidya Prasarak Samaj
& Ors.

..Respondents

Mr. Mihir Joshi i/b. Mihir Desai for the Applicant
None for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th JUNE, 2017.

P.C.

1. By this application the applicant has sought to condone the delay of 101 days in filing the application for recalling the order dated 29th September, 2010.
2. Heard the learned Counsel for the Applicant. It is seen that the applicant herein had filed Writ Petition (st) No. 31022 of 2009. By order dated 29th September, 2010 the applicant was directed to remove the office objections within a period of two weeks. The order further stated that failure to remove the office objections within the stipulated time would result in dismissal of the petition. The

applicant did not comply with the said order, which resulted into dismissal of the writ petition.

3. The applicant had filed an application on 8th February, 2011 for recalling of the said order. It is seen that the application has been registered only in the year 2017. Explanation was called for from the Registry and it has been reported that the application was not registered in view of shortage of space, as well as insufficient staff. Suffice to say that the explanation is not satisfactory.

4. Be that as it may, in paragraph 3 of the application, the applicant has stated that the clerk of the Advocate had failed to note the relevant date. As a result the advocate on record did not attend the matter and consequently failed to remove the office objections within the stipulated time.

5. In my considered view, the explanation given in paragraph 2 and 3 of the application is sufficient to recall the order. Hence the order dated 29th September, 2010 is recalled. The writ petition shall be restored to the file, subject to the applicant removing the office objections within a period of two weeks from the date of this order.

6. The application stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)