

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

**CIVIL APPLICATION (STAMP) NO.5853 OF 2017
IN
REJECTED CASE NO.106 OF 2017
(i.e. CIVIL APPLICATION (STAMP) NO.27403 OF 2016)
IN
WRIT PETITION NO.5950 OF 2015
WITH
REJECTED CASE NO.106 OF 2017
(i.e. CIVIL APPLICATION (STAMP) NO.27403 OF 2016)
IN
WRIT PETITION NO.5950 OF 2015**

Shaikh Khairunissa Shaikh Ahmed ... Applicant

IN THE MATTER BETWEEN

Shaikh Khairunissa Shaikh Ahmed ... Petitioner

vs.

The Khatoon Minority, Womens Social,
Welfare and Educational Society & Ors. ... Respondents

Mr. N.R. Bubna for the Applicant/Petitioner.

Mr. Anilkumar K. Patil for the Respondent Nos.1 and 2.

Mr. A.R. Metkari, AGP for the Respondent Nos.4 and 5/State.

Coram : **A.A.Sayed, J.**

Date : 13 April 2017

P.C. :

1 These Civil Applications have been take out by the Applicant/
Petitioner as the Petitioner was unable to pay the costs of Rs.5,000/- to
the Respondent Nos.1 and 2 in the Writ Petition, within the stipulated
six weeks as per the order dated 22 December 2015 passed by this
Court. The Civil Application (Stamp) No.5853 of 2017 has been filed
for the following reliefs:

- “a) Order dated 9th December 2016 passed by Registrar (Judl-1) in Civil Application St. No.27403 of 2016 in Writ Petition No.5950 of 2015 may kindly be set aside and Civil Application St. No.27403 of 2016 filed in Writ Petition No.5950 of 2015 may kindly be restored for hearing and decision on merits in the interest of justice.*
- b) Verification of applicant may kindly be dispensed with.*
- c) For such further and other reliefs as in the nature and circumstances of this case, this Hon'ble Court may deem fit.”*

2 The Rejected Case No.106 of 2017 (i.e. Civil Application (Stamp) No.27403 of 2016) has been filed for the following reliefs:

- “a) Delay of 10 days in payment of cost be condoned and Ld. Tribunal be directed to proceed with Appeal No.19 of 2010 on merits in the interest of justice.*
- b) For such further and other reliefs as in the nature and circumstances of this case, this Hon'ble Court may deem fit.”*

3 Learned Counsel for the Respondent Nos.1 and 2 has opposed the Civil Applications.

4 For the reasons recorded in the Civil Applications, the Civil Applications are allowed.

5 Learned Counsel for the Applicant/Petitioner in Writ Petition has handed over the Demand Draft of Rs.5,000/- to the learned Counsel for the Respondent Nos.1 and 2 in Court.

6 Both the Civil Applications are disposed of accordingly.

(A.A.Sayed, J.)