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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2795 OF 2009 IN
CIVIL APPLICATION NO.4292 OF 2005 IN
LETTERS PATENT APPEAL ST. NO.2419 OF 2005 IN
WRIT PETITION NO.7186 OF 2004

The Divisional Controller, Maharashtra
State Road Transport Corporation ... APPLICANT

VERSUS

Suryakant s/o Nagnath Halkonche ... RESPONDENT

.....
Mrs. Ranjana D. Reddy, Advocate for applicant
Shri M.D. Gitte, Advocate for respondent
.....

CORAM: T.V. NALAWADE AND
 SUNIL K. KOTWAL, JJ.

DATED : 1st MARCH, 2018.

ORAL ORDER :

1. The application is filed for condonation of delay of 319 days caused in filing the application for restoration. The matter was dismissed for non-compliance of office objections like non-payment of Bhatta etc. Both the sides are heard. The sole respondent was represented by Advocate.

2. In view of the contentions made in the Civil Application and the submissions made, this Court holds that the application needs to be allowed. The application is allowed.

Delay is condoned. The order of dismissal is recalled. Civil Application no.4292/2005 is restored to its original state. Both sides agree that, though Bhatta is not necessary, the Court fees as per the present Rules is required to be paid. Mr. Gitte, learned counsel waives service for the respondent.

3. Civil Application No.4292/2005 is also heard. In view of the contentions made in the application and the submissions made, Civil Application No.4292/2005 is allowed. Delay of 27 days caused in filing the Letters Patent Appeal is condoned.

4. Mr. Gitte, learned counsel waives service of notice for respondent in the Letters Patent Appeal. Place the Letters Patent Appeal on 14th April 2018.

5. Office to see that the record of Writ Petition No.7186/2004, in which the Letters Patent Appeal is filed, is tagged with the present matter.

6. Both the sides are expected to be ready with the record as there is possibility of destruction of record.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

fmp/