

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10276 OF 2018  
IN CA/2174/2018 IN WP/79/2016

PRAJAKT SANGRAMJI GAWALE  
VERSUS  
ARCHANA PRAJAKT GAWALE

...  
Mr. Kshitij Surve, Advocate for applicant

...  
CORAM : SUNIL P. DESHMUKH, J.  
DATE : 10-08-2018

ORDER :

1. Learned counsel for applicant submits that while the writ petition had been dismissed on 01-11-2017, an application for its restoration had been immediately made within two days, yet, under an erroneous impression, an order came to be passed in the absence of present applicant on 28-03-2018, considering that there has been delay, requiring present applicant to file application for condonation of delay within time referred to therein, failing which application for restoration would be deemed to be rejected. Applicant for quite some time had been ignorant about this development and upon knowing the same, present application has been moved, in the process, 58 days delay has been caused.

2. Learned counsel Mr. Surve submits that the order rejecting civil application for restoration being under erroneous assumption of facts, and its unawareness not being attributable to any strategy or is deliberate, and as a matter of fact, of no avail, shall receive its due.

3. In view of above, civil application is allowed in terms of prayer clauses (B) and (C) and is disposed of.

4. Notice on civil application no. 2174 of 2018, be re-issued to respondent, returnable on 07-09-2018.

[SUNIL P. DESHMUKH]  
JUDGE

arp/