

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

**CIVIL APPLICATION NO. 1979 OF 2017
IN
WRIT PETITION NO. 1519 OF 2016**

Shri Santosh Bajirao Mankar .. Applicant

v/s.

**The Income Tax Officer,
Ward 13(2), Pune and Anr. ..Respondents**

**Mr. Dinesh R. Gulabani for the applicant
Mr. Ashok Kotangle i/b Ms. Padma Divakar for the respondent**

**CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.**

DATED : 26th JULY, 2018.

P.C.

1. This Civil Application has been taken out for restoration of this petition which was dismissed on 14th March, 2017 by the Registrar. This for failing to supply copies of the petition to be served upon the respondents after the petition was admitted and interim relief granted.

2. On 19th April, 2018, when this application was mentioned, we directed the Registrar to place this application before the appropriate Court as per Chapter VII Rule 43 of the Bombay High Court (AS) Rules.

3. The Registrar has invited our attention to Rule 1 and 2 (f) of the Bombay High Court (AS) Rules. The above Rule provides the orders of

revision from the orders passed by the Registrar would lie to a Single Judge only in respect of those matters which are on merits to be dealt with by the Single Judge as a part of his assignment. In the above view, this application would appropriately lie before us as the petition is to be dealt with by us on merits.

4. We have perused the Civil Application and are satisfied with the reasons mentioned in the application for not filing the copies of the petition within the time stipulated as directed by the Registrar.

5. In the above view, we set aside the order dated 14th March, 2017 passed by the Registrar (Judicial) and restore the writ petition to the file of this Court and the interim reliefs granted on 16th March, 2016 to continue. Mr. Kotangle, the learned Counsel for the Revenue has no objection to the above.

6. However, it is made clear that in case the petitioners do not supply copies of the petition to the Registrar within one week from today, the petition itself would stand dismissed without further reference to the Court.

(SANDEEP K. SHINDE J.)

(M.S. SANKLECHA, J.)