

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (MCA) NO.451 OF 2018
IN
WRIT PETITION NO.6942 OF 2017

Pushpa wd/o Purushottam Harne (Dead), Thr. LRs Prashant s/o Purushottam Harne and ors.
Akola

-vs-

State of Maharashtra, Thr.The Secretary, Home Department, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. A. Joshi, Advocate for applicant.
Ms M. Naik, AGP for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.
DATE : April 23, 2018

Notice of the application made returnable forthwith. Ms M. Naik, learned Assistant Government Pleader waives notice on behalf of respondent Nos.1 to 3.

Heard finally with consent of learned counsel for the parties.

The original petitioner seeks review of the order dated 03/04/2018 on the ground that by virtue of order dated 22/08/2017 passed by the appellate Court the delay in seeking restoration of the appeal filed by the respondent herein was condoned. By order dated 03/04/2018 passed in W.P.No.6942/2017, while maintaining that order, costs of Rs.5000/- were imposed on the respondents herein and it was directed

that if the costs are so paid the appeal would be taken up for consideration.

It is submitted that as the delay in filing restoration application was condoned, it is the said application which would have to be considered if the costs are paid. This fact is evident from the documents placed on record.

In view of aforesaid, in the operative part of order dated 03/04/2018 in paragraph (2) it shall be stated as under :

“On said costs being paid within a period of four weeks from today to the petitioners, the application for restoration of the appeal shall be taken up for further consideration. Failure to deposit the costs would result in dismissal of that application”.

In paragraph (3) except the last line of that paragraph rest of the portion shall stand deleted.

Necessary corrections be carried out in the order dated 03/04/2018.

Misc. Civil Application is allowed and disposed of.

JUDGE