

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

Criminal Application (APPP) No. 1209/2018
in
Criminal Application (APPW) No. 164 of 2018
in
Criminal Writ Petition No.643 of 2015
(Jayant Talkies, Chandrapur .vs. Sau. Asha Ghanshyam Yadav and another.)

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

Court's or Judge's orders.

Mr. P.W. Mirza, Advocate for Applicant.
Mr. Vishal Gangane, APP for Respondent No.2.

CORAM : Manish Pitale, J.
DATED : July 13, 2018.

These are applications seeking restoration of the writ petition and for condonation of delay of 119 days in moving the application for restoration.

A perusal of the orders passed in this writ petition shows that there are repeated defaults due to which this writ petition earlier also stood dismissed in default by order dated 28.06.2017. Thereafter by order dated 16.11.2017, the writ petition was restored by this Court. Subsequently a conditional order dated 12.02.2018 was passed giving time of two weeks' as last chance for removal of office objections, failing which it was directed that the writ petition would stand dismissed without reference to Court. As the office objections were not removed, the writ petition stood dismissed.

The application for restoration is now moved in the context of the aforesaid conditional order passed

by this Court. It is stated in the application that the petitioner is 93 years old person and due to his ill-health there was communication gap being him and his counsel. It is also pointed out that earlier counsel appearing in this writ petition used to come from Amravati and that due to inadvertence, she failed to attend to hearing of this writ petition before this Court earlier. Although there are repeated defaults in this writ petition, only because the petitioner is a 93 years old person suffering from ill-health, this Court is taking a sympathetic view of the matter and accordingly the application for condonation of delay is allowed and delay is condoned.

In the application for restoration of this writ petition, similar reasons have been given and, therefore, the same is allowed and the writ petition is restored.

Writ Petition No.643 of 2017.

List the writ petition for hearing on 17.07.2018. The learned counsel for the petitioner shall also inform this Court about the status of Criminal Revision No.78 of 2015 pending before this Court.

JUDGE