

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

C.A.O.NO. 1867/2017 IN M.C.A.ST.NO.16463/2017
IN W.P.NO. 2010/2014.

Nandlal Suganchand Tardeja and others.

-VERSUS-

Amravati Municipal Corporation, Amravati.

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

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND A.D. UPADHYE, JJ.

DATE : MARCH 16, 2018.

Heard Shri P.S. Khubalkar, learned
Counsel for the applicants and Shri Dahat, learned
Counsel for Non-applicant.

2. Prayer is to condone delay of 56 days in
filing Misc. Civil Application St. No. 16463/2017.
Misc. Civil Application is filed for restoration of Writ
Petition No. 2010/2014, which was dismissed in
default on 03.05.2017.

3. Prayer for condonation of delay is opposed
by Shri Dahat, learned counsel for the non-applicant.

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He invites attention to the pleadings in paragraph no. 8 of the Civil Application.

4. Paragraph no.8 shows that the order of dismissal in default was communicated to the applicants/petitioners and thereafter they decided not to prosecute the petition, as they were happy with the interim arrangement then going on. Later on they realized that interim arrangement cannot continue and hence, instructed their counsel to move appropriate application.

5. In this situation, we find interest of justice can be met with by asking 8 applicants/ petitioners to deposit reasonable amount as costs with the non-applicant Municipal Corporation. Writ Petition was already admitted for final hearing and interim order was operating therein. In this situation, we direct the applicants to deposit with the non-applicant Municipal Corporation an amount of Rs. 10,000/- each, within a period of two weeks from today.

6. After production of receipt, the delay shall stand condoned. If delay is condoned, Registry shall register Misc. Civil Application and in that event, Misc. Civil Application shall also stand allowed. Order dated

03.05.2017, shall stand recalled and Writ Petition shall stand restored back to file.

JUDGE

JUDGE

Rgd.