

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

C.A.O.NO.1850/2017 AND M.C.A.ST.NO 25711/2017
IN W.P.NO.1036/1998.

Kashinath Dhondappa Bhusnoor. Lohara, Dist. Yavatmal.

-VERSUS-

State of Maharashtra and another.

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 &
MRS. SWAPNA JOSHI, JJ.

DATE : JANUARY 05, 2018.

Heard Shri P.H. Gulhane, learned counsel
for applicant and Ms. A.R. Kulkarni, learned A.G.P. for
non-applicant nos. 1 and 2.

2. Learned A.G.P. is seeking time to file reply.

3. However, notices are issued by this Court
on 20.12.2017 in the matter. Petition registered as
Writ Petition No. 1036/1998, came to be dismissed for
want of prosecution on 16.06.2006. The said dismissal
went unnoticed, as counsel representing the petitioner
was out of Country and even after return could not
learn about it, as Writ Petitions of 1998 could not have

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been listed for final hearing at that juncture.

3. It appears that only after getting knowledge upon enquiry, the counsel learnt about the dismissal of Writ Petition in default.

4. Application for restoration is supported by personal affidavit of counsel.

5. We do not see any malafides in the matter. As such we condone the delay and recall the order dated 16.06.2016. Writ Petition No. 1036/1998 is accordingly restored back to file.

6. Learned counsel for the applicant assures the Court that he would see to it that the Court records are reconstructed within a period of two weeks from today. List Writ Petition for final hearing immediately thereafter.

7. Copy of reconstructed record shall also be served by the applicant/petitioner to office of Government Pleader.

8. Civil Applications are accordingly allowed and disposed of. No cost.

JUDGE

JUDGE

Rgd.