

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.11858 OF 2019
IN
CONTEMPT PETITION (ST.) NO.39249 OF 2017
(R.C. NO.1411 OF 2018)
IN
WRIT PETITION NO. 7044 OF 2017**

Dayanand s/o Vaijinathappa Swami

PETITIONER

VERSUS

Mr. Ganesh Bhaskar Chaudhari & anr

RESPONDENTS

Mr Mahesh C. Swami, Advocate for the petitioner;

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATED : 4th OCTOBER, 2019

ORAL ORDER:

The present civil application is filed seeking condonation of delay of 126 days in filing restoration petition and it is further prayed that the order dated 8th October, 2018 passed by Registrar (Judl.) of this Court thereby refusing registration of Contempt Petition (St.) No.392349 of 2017 be quashed and set aside.

2. Learned Counsel appearing for the applicant - petitioner submitted that there was a minor objection raised by the office in reference to the status of respondent No.1 and objection was in respect to the wrong registration number of writ petition in memo. It is submitted that the same is merely a typographical error. Though learned Counsel vehemently submitted that refusal of registration was only on technical grounds and further time granted to the applicant-petitioner to remove objection by correcting writ petition number but perusal of the documents placed on record, we found that the applicant-petitioner was utterly casual in prosecuting his petition but approached this Court in unusual haste to file the contempt petition.

3. The Writ Petition was filed in the year 2017. The learned Vacation Judge passed an interim order in favour of the petitioner while issuing notice. Notices were made returnable on 14th June, 2017. On a query made

to learned Counsel for the applicant-petitioner, he submits that post order dated 2nd June, 2017 the writ petition was never placed before the Division Bench for further consideration. As such, the applicant-petitioner had no opportunity to pray for continuation of the interim order.

4. In view of these facts, we allow the application subject to the applicant-petitioner taking appropriate steps for circulation of the petition before the appropriate Bench within two weeks from today. The applicant - petitioner is permitted to correct the typographical error in the contempt petition. If the applicant - petitioner fails to take steps within two weeks, the order passed by this Court restoring contempt petition stands recalled without further reference to the Court.

[AVINASH G. GHAROTE, J.]

[PRASANNA B. VARALE, J.]