

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

958 CIVIL APPLICATION NO.10023 OF 2012
IN WP/1192/2008 WITH CA/8646/2019 IN WP/1192/2008

GODAWARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THRE NANED
VERSUS
GANPAT GANGARAM GADDAMWAR

...
Advocate for Applicant : Ms. Kalpalata Bharaswadkar

CORAM : M. S. KARNIK, J.

DATE : 23rd AUGUST 2019

PER COURT

Heard learned counsel for the applicant. This is an application for restoration of writ petition which was dismissed for non-payment of Bhatta within time which was granted by this Court. Learned counsel for the applicant would submit that the learned advocate for the respondent had already filed his appearance on behalf of the respondent. However, this fact is not pointed out. Therefore, the Registrar (Judicial) dismissed the petition vide order dated 06.04.2009. Reply is filed by the respondent opposing this application for restoration. It is stated in the reply that the applicant has been negligent in prosecuting the writ petition.

2. From the record, it appears that learned counsel Mr. G. M. Jadhav had appeared on behalf of the respondent. Even he has filed the reply to the civil application.

3. For the reasons mentioned in the application, the application deserves to be allowed. The order passed by the Registrar (Judicial) dated 06.04.2009 is set aside. Delay, if any, in filing the application is condoned. In view of above, application stands allowed in terms of prayer Clauses "B and C" and disposed of accordingly.

(M. S. KARNIK, J.)

vsm/