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

**CIVIL APPLICATION NO.11447 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.26 OF 2017**

Digambar Munjaji Dhole,
Age: 49 years, Occu: Agri.,
R/o. Tathagat Nagar, Malegaon
Road, Taroda (Kh),
Tq. & Dist. Nanded

..APPLICANT

VERSUS

The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai -32 & ors.

..RESPONDENTS

Mr A. G. Talhar, Advocate holding for Mr P. S. Gaikwad, Advocate for applicant;
Mr S. P. Sonpawale, A.G.P. for respondent No.1

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

DATE : 21st September, 2019

ORAL ORDER:

Heard Mr Talhar, learned Counsel appearing on behalf of the applicant.

2. By way of present application, the applicant prays for recall of the order dated 27th February, 2017. Perusal of the said order shows

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that the public interest litigation was circulated claiming urgency before this Court. Though it was not listed in the regular course by mentioning before the Court, the petition was sought to be circulated. It is specifically observed by the Division Bench of this Court that on mentioning, the matter was taken on board and the petitioner was directed to deposit an amount of Rs.50,000/- in the Registry of this Court on or before 3rd March, 2017. The Division Bench further observed that on depositing amount, list the petition for further consideration on 7th March, 2017 and in case, the amount is not deposited, on expiry of aforesaid period, the public interest litigation would stand automatically dismissed.

3. The only ground raised in the application is, when the order was passed, the petitioner was not having sufficient funds and he made an attempt to arrange the finance or funds so as to deposit amount directed by this Court. Thus, the ground raised for condonation of delay of 813 days, is nothing but a casual approach of the party, on whose request, the petition was taken up for urgent consideration and then the Division Bench directed the party to deposit the amount within a stipulated period and the petitioner was certainly aware of this order as he was being represented through the Counsel and as such, now the specious reason assigned in the application that the applicant

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awaited for a sufficient time to arrange finances and now as the finances are available, the petition be restored by recalling the order of this Court.

4. We are unable to accept such a reason by treating the same as a bona fide reason for condonation of delay of a larger span of 813 days. The application, thus, being wholly meritless, deserves to be dismissed at the threshold and accordingly same stands dismissed.

(AVINASH G. GHAROTE, J.) (PRASANNA B. VARALE, J.)

sjk