

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

**CIVIL APPLICATION NO.9804 OF 2017
IN
WRIT PETITION NO. 1561 OF 2014**

**MOHAN WAMAN SHIRSATH
VERSUS
JYOTI SACHIN MISAL AND ANOTHER**

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Advocate for the Applicant : Shri C. V. Dharurkar
Advocate for Respondent Nos. 1 and 2 : Shri R. L. Adhe h/f.
Shri A. A. Nimbalkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 25th JANUARY, 2019.

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PER COURT :

1. Writ Petition No. 1561/2014 was dismissed for non-removal of office objections in view of the order passed by this Court (Coram : N. W. Sambre-J.). Delay is of 566 days. The issue involved in the matter pertains to immovable properties in RCS No. 426/2012.

2. The learned Advocate for the respondents appearing on account of the substituted service through paper publication, opposes this application. Contention is that the delay is not properly explained. The petitioners are negligent. This

application be rejected with heavy costs. In the alternative, it is submitted that if the application is allowed, heavy costs be imposed and the amount be donated for the treatment of the poor patients.

3. The learned Advocate for the applicant submits that the applicant would deposit costs of Rs. 1,000/- (Rs. One Thousand only). With regard to the prayer for imposing heavy costs, he submits that when notices were issued by this Court, the respondents had declined to accept and the applicant had to spend on paper publication to get the notice published in Daily "Sakal" dated 23/10/2018. It is only pursuant to the same that the respondents have appeared.

4. Considering the above, this civil application is allowed and delay of 566 days is condoned with the following directions :-

(a) All office objections in the writ petition shall be removed on or before 15/02/2019.

(b) An amount of Rs. 1,000/- (Rs. One Thousand only) would be deposited on or before the same date

with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of "**Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad**").

(c) If any of the above directions are not complied with, this application shall stand rejected without reference to the Court on 16/02/2019.

(d) If the above directions are complied with, list the writ petition for admission hearing on 20/02/2019. The learned Advocates appear for the respondents in the Writ Petition.

(RAVINDRA V. GHUGE, J.)

shp/-