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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1806 OF 2018
IN
WRIT PETITION NO.3438 OF 2000**

Maharashtra State Road Transport
Corporation Limited

.. Applicant/Petitioner

Vs.

Rajendra B. Khedkar

..Respondent

Mr. Y.P. Deshmukh for the applicant-petitioner.

Mr. Indrajeet Kulkarni for the respondent.

CORAM : A.K. MENON, J.

DATED : 28TH JANUARY, 2019.

P.C. :

1. This civil application seeks restoration of the writ petition which came to be dismissed vide order dated 16th July, 2018. The reasons for dismissing the writ petition is a self-operative order dated 10th April, 2018 by which costs were to be paid to the respondent within a period of six weeks, since the costs were not paid, the order in the Civil Application no.634 of 2018 came to be vacated resulting in the writ petition which is liable to be dismissed.
2. As of 16th July, 2018 the costs had not been paid. It is the case of the petitioner corporation that amount of costs have been tendered to the

respondent who declined to accept it on 4th July, 2018 apparently because it was beyond time. The respondent's conduct cannot be faulted. The costs were to be paid within the specified time in the event of any delay it was expected that the petitioner would seek condonation of delay.

3. Given the fact there has been unexplained delay on the part of the petitioners in complying with the order dated 12th April, 2018, it is appropriate that the Corporation pay further costs to the respondent today in this civil application fixed at Rs.5000/-. Thus a total amount of Rs.15,000/- should be paid within one week from today. The cheque in favour of the respondent shall be handed over to the respondent's Advocate on or before 2nd February, 2019, failing which this order will stand vacated.
4. Stand over for compliance on 4th February, 2019.

(A.K.MENON,J.)