

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 758 OF 2016
AND
MISC. CIVIL APPLICATION ST. NO.6210 OF 2016
IN
WRIT PETITION NO.4 OF 2001

(GIRIDHARI BHAGWANT HUMNE...VS.. THE MANAGEMENT OF BANK OF MAHARASHTRA & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : JUNE 28, 2019.

None appeared for the petitioner on 8th January 2008, 28th July 2008 and 1st August 2008. The writ petition was dismissed for want of prosecution on 1st August 2008. By order dated 9th September 2010 writ petition was restored and it was directed that it be fixed for final hearing in the week commencing from 4th October 2010. None appeared for the petitioner on 3rd February 2011 and 24th February 2011. Again the writ petition was dismissed on 24th February 2011 for want of prosecution. Again the writ petition was restored on 18th June 2012 . None appeared for the petitioner on 23rd October 2013 and the petition was dismissed for want of prosecution. Again the writ petition was restored by order dated 23rd January 2015. None appeared for the petitioner on 1st April 2015 and the writ petition was dismissed for want of prosecution.

The petitioner has, now, filed Misc. Civil Application Stamp No. 6210 of 2016 praying that the writ petition be restored and as there is delay in filing

Miscellaneous Civil Application, this application is filed praying that the delay of 320 days in filing Miscellaneous Civil Application be condoned. It is stated that the Advocate appearing for the petitioner was not well till 16th March 2016 on which date the Advocate got knowledge that the writ petition is dismissed by this Court on 1st April 2015. It is stated that the Advocate representing the applicant/petitioner traced the record and prepared application and submitted it on 16th March 2016, and the Advocate for the petitioner could not file application for restoration of writ petition within 30 days. I find that there is no explanation at all for the inordinate delay in filing the Misc. Civil Application St. No. 6212 of 2016.

None appeared for the applicant/ petitioner on 31st March 2017. Today also none appears for the petitioner, when the matter is called out.

Looking to the conduct of the applicant/petitioner it is clear that the applicant / petitioner is not diligent in prosecuting the matter and though he is granted several opportunities, he has failed to avail them and argue the matter on merits.

Hence, the civil application is **dismissed**. Consequently, Misc.Civil Application Stamp No. 6210 of 2016 is **rejected**. No costs.

JUDGE