

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

901 CIVIL APPLICATION NO. 1842 OF 2020
IN FA/996/2012

GANGARAM GUNDA GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Advocate for Applicant : Mr. G. N. Chincholkar
AGP for Respondents No. 1 and 2 : Mr. Y.G. Gujrathi

CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for applicant and learned AGP for respondents No. 1 and 2.
2. Present application is filed seeking restoration of proceeding of First Appeal No. 996 of 2012, which came to be dismissed in default by learned Registrar (Judicial) of this Court under order dated 9th April, 2013 for not paying Bhatta and printing charges etc.
3. It has been contended that mistakenly, applicant could not pay attention to the order passed by this Court, therefore, application cannot be filed at the earliest. There were other matters from same group, which came to be list before this Court and thereafter only applicant came to know about the impugned order passed by learned Registrar of this Court.
4. Learned AGP raised objection and submits that there is inordinate delay in filing the present application seeking restoration of the proceeding which came to be dismissed long-back in the month of April, 2013
5. In view of aforesaid submission, I do not find any reasonable cause to condone the delay for entertaining present application at the behest of applicant. Admittedly, conduct and demeanour of the

applicant appears so negligent. He did not take precaution with due diligence to pursue the proceedings pending before the Court. He had not paid bhatta even after sufficient time granted by learned Registrar. In such circumstances, in case, such in-ordinate colossal delay is allowed to be condoned for restoration of the proceeding, which was died out following order of Registrar, it amount to abuse of process of law and such practice should not be permitted or developed. There is no any reasonable cause for satisfaction of the Court for restoration of proceeding by recalling impugned order at the behest of applicant. Hence, application being devoid of merit deserves to be dismissed.

6. According civil application stands dismissed. No order as to costs.

[K. K. SONAWANE]
JUDGE

MTK