

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

**904 CIVIL APPLICATION NO.192 OF 2020
IN WP/8361/2017**

**DATTATRAYA NARSINGRAO KHANDOBA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Applicants : Mr Mali D. S.
AGP for Respondents State: Mr S P Sonpawale

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

DATE : 8th January, 2020

ORDER:

1. Heard learned counsel for the petitioner. By way of the present application, the applicant pray for condonation of delay of 101 days caused in filing the application and pray for restoration of the writ petition to its file as the same was dismissed for non prosecution. Learned counsel submitted that due to communication gap, the objection in respect of supplying copies could not be removed within stipulated period and further, the counsel was also not informed by the clerk and the same resulted in filing of application belatedly. Thus, it is submission of the learned counsel that the delay caused in filing of application is purely unintentional and for bonafide reasons.
2. Learned AGP opposed the application.
3. Considering the grounds raised in the application as well the submission of learned counsel for the applicant, the application is allowed in terms of prayer clauses (B) and (C) subject to the applicant

depositing cost of Rs.1000/- in this Court.

4. The amount be disputed within one week from today. The amount so deposited be transferred to the account of Day Care Centre (Creche) in this Court.

5. On depositing the cost, issue fresh notice to the respondents in the writ petition, making the same returnable within four weeks.

6. Learned AGP waives notice for the respondent Nos.1 & 2 and prayed for time to take instructions and file reply. Two weeks time granted to the learned AGP to file reply.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC